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ACTS

PASSED BY

THE LEGISLATURE

OF THE

STATE OF VERMONT,

AT THEIR OCTOBER SESSION,

1832.

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LAWS OF VERMONT,

PASSED

OCTOBER SESSION,

A. D. 1832.

PUBLIC ACTS.

1.--An Act relating to Justices of the Peace.

It is hereby enacted by the General Assembly of the State of Vermont, That whenever any civil process shall have been served, returnable before any justice of the peace within this state, and at the time appointed for the trial, said justice, by reason of sickness or other cause, shall be unable to attend at the place appointed for holding the court, any justice of the peace, for the same county, who could legally try a cause between the parties, may, at the time and place of trial, continue such cause to some time, when, in his opinion, the justice of the peace who signed the writ will be able to attend. *Provided always,* That the same pleas may be pleaded and the same proceedings had, after continuance of said cause as above provided, as if said cause had not been continued. *And provided also,* That said cause shall not be continued, by such justice more than once, nor for a longer period of time than thirty days. And such justice, at the time of such continuance, shall enter on the files, the reasons therefor, under his official signature.

Comp. Laws, Chap. 9.

Any justice of the peace may continue cause returnable before another justice in certain case.

Same pleas may be pleaded after continuance, &c

Reasons for continuance to be recorded

[Passed Oct. 26, 1832.]

2.—An Act to repeal the first section of an act therein mentioned.

Comp. Laws,
Chap. 9.
First sec. of act
of 1802 repeal-
ed.

It is hereby enacted by the General Assembly of the State of Vermont, That the first section of the act entitled, "an act in addition to an act defining the powers of justices of the peace, within this state, passed November sixth, one thousand eight hundred and two, be, and the same is hereby repealed.

[Passed Nov. 8 1832.]

Comp. Laws,
Chap. 39.

3.—An Act, in addition to the several acts regulating the limitation of actions.

Statute of limi-
tation not to
run against per-
son absent
from state in
certain case.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That if any person, or persons, against whom there is, or may be, any cause of action of a personal or transitory nature, shall go from this state, before such cause of action shall be barred by the statute of limitations, and shall not have known property within this state, which could by the common and ordinary process of law be attached, the statute of limitations shall not run against any such cause of action, during the absence of such person, or persons, from this state; but the time of such absence shall be deducted, in deciding whether any such cause of action is barred by the statute of limitations.

All statutes ex-
empting per-
sons, beyond
seas, &c. from
any statute of
lim. repealed.

SEC. 2. *It is hereby further enacted,* That every clause or sentence of any statute of limitations of this state, which exempts, or which might be construed to exempt any person or persons, beyond seas, or any person or persons, without any of the United States from the operation of any statute of limitations, be, and the same is hereby repealed.

[Passed Nov. 9, 1832.]

Comp. Laws,
Chap. 11.

4.—An Act, in explanation of, and in addition to an act therein mentioned.

Proviso of for-
mer act exten-
ded.

It is hereby enacted by the General Assembly of the State of Vermont, That the proviso to the first section of the act, entitled, "an act allowing endorsees to maintain ac-

tions in their own names," shall be construed, deemed and holden, to extend, as well to cases brought in the name of the bearer, or assignee of a note, as to cases brought in the name of endorsee.

[Passed Nov. 1, 1832.]

- 5.—An Act, in addition to an act, entitled, "an act in addition to an act relating to jails and jailers, and for the relief of persons imprisoned therein," passed Nov. 5, 1799. Comp. Laws,
Chap. 29.

It is hereby enacted by the General Assembly of the State of Vermont, That the keeper of the jail in the county of Chittenden, and in the county of Caledonia, is hereby required to receive and keep all prisoners, committed under the authority of the United States, in like manner, and under the same restrictions, as are contained in the eighteenth and nineteenth sections of an act, entitled, "an act, relating to jails and jailers, and for the relief of persons imprisoned therein," passed March the ninth, one thousand seven hundred and ninety-seven. Jailers in Chittenden & Caledonia counties to keep United States' prisoners.

[Passed Nov. 1, 1832.]

- 6.—An Act, in addition to an act, passed Nov. 18, 1824, entitled, "an act in addition to an act, entitled, "an act, defining what shall be deemed and adjudged legal settlement, and for the support of the poor; for designating certain duties of the overseers of the poor, and for the punishment of idle and disorderly persons," passed March 3d, 1797. Comp. Laws,
Chap. 57.

It is hereby enacted by the General Assembly of the State of Vermont, That the act, to which this is in addition, shall be deemed to extend to circus riding and theatrical exhibitions; and that no license shall be granted under this act, or the act to which this is in addition, for a less sum than ten dollars. Act of 1797 extended.

[Passed Nov. 8, 1832.]

Comp. Laws,
Chap. 29.

7.—An Act, in addition to an act, entitled, “an act, in relation to imprisonment for debt,” passed Nov. 8, 1830.

Justices may
continue cause
when debtor
applies to be
admitted to
oath.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That whenever any debtor shall appear before any justice of the peace, rendering final judgment, in any action named in the act to which this is in addition, for the purpose of being admitted to the oath, in said act specified, every such justice of the peace may, if in his opinion justice requires it, continue such suit for further hearing, not to exceed twelve days.

Fees of just-
ices.

SEC. 2. *It is hereby further enacted,* That the fees to be allowed such justices of the peace, shall be fifty cents for hearing and oath, and seventeen cents for continuance; which fees shall be advanced by the debtor, applying for the benefits of the act, aforesaid.

Additional cost
allowed in cer-
tain case.

SEC. 3. *It is hereby further enacted,* That if it shall be adjudged by the court that the debtor is not entitled to the benefit of the oath prescribed by the act to which this is in addition, the said court shall add to the costs taxed in the previous judgment, the amount of the creditor's costs on such inquiry.

[Passed Nov. 8, 1832.]

Comp. Laws,
Chap 53.

8.—An Act concerning highways.

Sup. and coun-
ty court may
make order for
the making of
highways, &c.

It is hereby enacted by the General Assembly of the State of Vermont, That whenever the supreme or any county court, shall establish any public highway, on the acceptance of the report of any committee, by such court appointed, such court may make order for the making the different sections of such highway, at such different periods as circumstances may render proper, but not less than one year from the making of such order; and the several towns, whose duty it may be to make such highway, or any part of the same, and who shall neglect to make and open the same, agreeably to such order of court, shall be subject to indictment for every such neglect, and to a fine, to be expended in making such highway.

Towns neglect-
ing to comply
with such or-
der, subject to
indictment.

[Passed Nov. 1, 1832.]

9.—An Act, relating to highways.

Comp. Laws,
Chap. 53.

It is hereby enacted by the General Assembly of the State of Vermont, That committees, hereafter appointed by the supreme or county courts, shall have the same power to discontinue any road laid out by the board of road commissioners; as is, by law, given to discontinue roads laid by any other board.

Committees
empowered to
discontinue
road laid out by
road commiss-
ioners.

[Passed Nov. 8, 1832.]

10.—An Act, relating to highways.

Comp. Laws,
Chap. 53.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That the several clerks of county courts in this state be, and they are hereby constituted and appointed clerks of the board of road commissioners in the several counties in this state, with full powers to complete all records lawful and proper for a clerk of road commissioners, in the same county, to have made, if such clerk of road commissioners had been continued in office.

Clerks of C.
Courts appoint-
ed clerks of
board of road
commissioners.

SEC. 2. *It is hereby further enacted,* That all reports, made by any committee appointed by any county court in this state, to revise and re-examine the doings of the road commissioners, shall be made to the clerks of the county courts in the same county, and such clerks of county courts shall have all powers to issue extents and grant executions as such clerk of road commissioners would have, if he had been continued in office.

Empowered to
issue execu-
tions, &c.

[Passed Nov. 8, 1832.]

11.—An Act, dividing the State into Districts for electing Representatives to the Congress of the United States, and directing the mode of their election.

Comp. Laws,
Chap. 87.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That the county of Bennington, together with the county of Windham, and the towns of Weston, Andover, Chester, Springfield, Ludlow, Cavendish and Baltimore, in the county of Windsor, be, and

First district.

they hereby are, formed into one district, for the purpose of electing one representative, to represent this state in the Congress of the United States; to be denominated the *first* congressional district: and that the county of Rutland and the county of Addison be, and they hereby are, in like manner, formed into one district, for the purpose

Second district.

aforesaid; to be denominated the *second* congressional district: and that the county of Windsor, except the towns of Weston, Andover, Chester, Springfield, Ludlow, Cavendish and Baltimore, together with the county of Orange, be, and they hereby are, in like manner, formed into one district, for the purpose aforesaid; to be denominated the *third* congressional district: and that the county of Chittenden, together with the counties of Grand Isle and Franklin and the county of Orleans, except the towns of Greensboro', Glover, Barton, Westmore, Brownington, Charleston, Salem, Morgan, Holland and Derby, be, and they hereby are, formed into one district for the purpose aforesaid: to be denominated the *fourth* congressional district: and that the county of Washington, together with the counties of Caledonia and Essex and the towns of Greensboro', Glover, Barton, Westmore, Brownington, Charleston, Salem, Morgan, Holland and Derby, in the county of Orleans, be, and they hereby are, formed into one district, for the purpose aforesaid; to be denominated the *fifth* congressional district.

Third district.

Fourth district.

Fifth district.

Constables to warn freemen to meet.

SECTION 2. *And it is hereby further enacted, That* the first constables, and in case of their neglect, the town clerks, and in case of the neglect of both, the select men, or either of them, of the respective towns of this state, shall, at least twelve days before the first Tuesday of September, which will be in the year of our Lord eighteen hundred and thirty-four, and twelve days before the first Tuesday of September, biennially, thereafter, forever, set up notifications at the usual places for warning town meetings, notifying the freemen to meet, on the said first Tuesday of September, at one o'clock in the afternoon, at the usual place of holding freemen's meetings in their respective towns, for the purpose of choosing a representative to represent this state in the congress of the United States; at the opening of which meeting, this act shall be publicly read.

Duties of presiding officers.

SECTION 3. *And it is hereby further enacted, That* the first constable, and in his absence the town clerk, or a justice of the peace, shall then call on the freemen from time to time, for the space of four hours, to give

in their ballots for a person to represent this state in the congress of the United States ; which ballots shall be given in the manner following, that is to say : each person voting, shall deliver his ballot, folded together, to the presiding officer in presence of the meeting, which ballot shall be a paper ticket, containing the name of the person he would elect ; and the presiding officer, on receiving such ballot, shall direct the town clerk, whose duty it is hereby declared to be, to write the name of the elector in a roll, to be by him provided for that purpose, and preserved on file in his office ; and the presiding officer shall, without inspecting the name of the person voted for, examine the ballot so far as to determine whether the same shall contain more than one ticket ; and if it does not, he shall put it into the balloting box ; but if the said ballot shall contain more than one ticket, he shall make it known to the meeting, and reject the same ; and no vote shall afterwards be received from such elector, at such meeting. And after the ballots shall have been received, in manner aforesaid, and at the expiration of the time aforesaid, the poll shall be closed, and the ballots shall be sorted and counted, by the presiding officer, with the assistance of the town clerk, magistrates, and selectmen, and a certificate of the number of votes for each candidate—of which a record shall be made in the town clerk's office—signed by the presiding officer, shall be by the said presiding officer, sealed up, and superscribed, with the name of the town and the words "Certificate of votes for representative to Congress ;" which certificate shall be in the form following to wit :

Mode of balloting.

Ballots to be sorted and counted, and certificate given.

STATE OF VERMONT.

At a freemen's meeting legally warned and holden at _____ on the _____ day of _____ Form of certificate.

A. D. _____ the votes for representative to Congress, having been duly taken, sorted and counted, the following persons had the number of votes annexed to their names respectively, viz.

Given under my hand at _____ day of _____ this _____ A. D.

A. B. first constable, town clerk, justice of the peace,

(as the case may be) and the said certificate of such votes, which shall be so taken, sealed and superscribed as aforesaid, the presiding officer shall deliver to the rep-

Certificate to be delivered to town representative.

Canvass. com. shall declare election.

If no choice, committee to notify Gov.

Gov. to issue proclamation.

Certificate of votes to be delivered to county clerks.

representative, chosen to represent such town in the General Assembly, or the representative of some adjacent town; and such representative shall deliver the same to the committee to be elected by the General Assembly for each respective district; which committee shall, on the Monday next following the second Thursday of October, commence sorting and counting such votes, in their respective districts; and when they shall have received, sorted, and counted all the votes, legally given in, by the freemen, they shall declare the person having the majority of all the votes, in their respective districts, to be elected a representative to represent this State in the Congress of the United States, and give notice thereof to the chief magistrate of this state.

SECTION 4. *And it is hereby further enacted*, That if, in any district, no person shall have a majority of all the votes of such district, given in on the first Tuesday of September, as aforesaid; the committee for such district shall give notice thereof to the chief magistrate of this State, with the statement of the number of votes for each candidate; and it shall be the duty of the chief magistrate to issue his proclamation, which shall be published in all the newspapers printed in said district, and in such other papers as shall be directed by the chief magistrate: thereby making known to the electors of said district, that no election is made in said district, and of the number of votes given to each candidate, and requiring the freemen of said district to meet at the usual places in the several towns for holding freemen's meetings, and if, in any town, such meetings have occasionally been held at different places, at the place where the meeting was last held in such town, for the election of a representative to Congress, on the second Tuesday of November then next, at one o'clock in the afternoon, to elect a person to represent this State in the Congress of the United States; which said meeting shall be governed and conducted as is in this act before directed.

SECTION 5. *And it is hereby further enacted*, That a certificate of the number of votes, for each candidate, so taken at every such meeting, on the said second Tuesday of November signed as is in this act before directed—a record of which shall be made in the town clerk's office—shall be sealed, as is, in this act, before directed, and shall, by the presiding officer of such meeting, be delivered to the clerks of their respective county courts; *Provided*, that the constables of that part

of the county of Windsor that is annexed to the first district, shall deliver their votes to the clerk of the county court for the county of Windham, and that part of the county of Orleans annexed to the fifth district shall deliver their votes to the clerk of the county court for the county of Caledonia, within one week after the holding of such meeting; whose duty it shall be to meet on the second Tuesday next succeeding the time of holding said meeting, at the following places, in their respective districts; that is to say: at Newfane, in the first congressional district; at Middlebury, in the second congressional district; at Chelsea, in the third congressional district; at St. Albans, in the fourth congressional district; at Danville, in the fifth congressional district—and there proceed, publicly, to canvass said votes, and to declare the person having a majority of all the votes, to be elected to represent this state in the congress of the United States; of which election they shall notify the chief magistrate of this state, within one week from the day last aforesaid; and, in case of the sickness or absence of any clerk aforesaid, the sheriff of the county in which such clerk resides, shall perform all the duties incumbent on such clerk.

Clerks, when
and where to
meet.

Sheriff to perform
duty of
clerk in case of
absence, &c.

SECTION 6. *And it is hereby further enacted,* That in case the county clerks, at any such meeting, shall find that no person hath a majority of the votes as aforesaid, then, and in that case, the said clerks shall return to the Governor of this state, within one week after such meeting, the names of all the candidates, with a statement of all the votes for each of them; and it shall be the duty of the Governor to issue his proclamation, as before directed in this act, requiring the freemen to meet, as is before directed in this act, on the first Tuesday of January next succeeding. And the presiding officers of such meetings shall take, and return the votes, certified and recorded, as is herein before directed in this act, to the said clerks, in their said districts, within one week from such meeting; and such clerks shall meet in the places herein before appointed, on the second Tuesday next succeeding the time of holding said meeting, and proceed publicly, to canvass the votes, and to declare the person having the greatest number of votes elected to represent this state in the congress of the United States, and notify the governor of this state, as aforesaid.

Canvassers to
make return to
Governor.

Gov. to direct
another meet-
ing.

Duty of presi-
ding officers.

Clerks again to
meet.

SECTION 7. *And it is hereby further enacted,* That it shall be the duty of the several county clerks, as aforesaid, in the several districts, when canvassing the votes, for representative to Congress, to make out a true list of

Canvassers to
make list of le-
gal and illegal
votes, & lodge
them in county
clerk's office.

all the certificates, from the several towns, with the number of votes for each candidate, from each of said towns, that are, by them, considered legal; and also, another list of such votes as are deemed illegal, and lodge certified copies of said lists in the several county clerk's offices in such districts, open for inspection; and that they preserve the original certificates, until after the first session of the congress for which the said election is held; and that the committee appointed by the General Assembly, for the purpose mentioned in this act, make out certificates as above described, and lodge with the clerk of the General Assembly, for inspection, during the then session of the General Assembly; and also, lodge the original certificates with the Secretary of State, to be by him kept, for the time in this act before mentioned.

And preserve original certificates, &c.

Duty of committee appointed by general assembly.

Justice peace, or selectman to perform duty of town clerk in case of absence, &c.

SECTION 8. *And it is hereby further enacted,* That in case of absence, or disability, of any town clerk, at any freemen's meeting, holden as aforesaid, it shall be the duty of a justice of the peace, or of one of the selectmen, who is not the presiding officer, to perform the duty of such town clerk, by taking a list of the names of the voters, and the number of votes for each candidate, and shall attest the same; and within three days after such meeting, shall lodge the same in the office of such town clerk.

Fees.

SECTION 9. *And it is hereby further enacted,* That the presiding officers of such freemen's meetings, county clerks, sheriffs, and judges, shall be allowed five cents a mile for travel each way; and the clerks, sheriffs and judges, two dollars per day, for each day's attendance, while canvassing said votes; and the several county clerks shall draw orders on the treasurer of this state, for the payment of the presiding officers, for returning such certificates as aforesaid; and the judges of the supreme court shall allow the accounts of such clerks, sheriffs and judges, and draw orders on said treasurer, who is hereby directed to pay the same.

Gov. to issue credentials.

SECTION 10. *And it is hereby further enacted,* That it shall be the duty of the chief magistrate of this state, to cause to be executed, under his hand, and under the seal of this state, proper credentials to the persons declared to be elected agreeably to this act.

Penalty, for neglect of duty.

SECTION 11. *And it is hereby further enacted,* That any person neglecting to do the duties enjoined on him by this act, shall forfeit and pay into the treasury of this state, a sum not less than twenty dollars, nor exceeding

five hundred dollars, for every such offence; and it shall be the duty of all informing officers, to make due presentment of every breach of this act.

SECTION 12. *And it is hereby further enacted,* That if any person shall be guilty of using any indirect, sinister or corrupt means, in the execution of any of the trusts by this act reposed in him, or with intent to corruptly influence any elector or electors, in giving their ballots, at any such election, or to corruptly influence any officer or officers, in the discharge of any of the duties, in this act pointed out; or shall give in, or attempt to give in, more than one vote, or give his own vote in any other district than that wherein he resides, at any such election; each person so offending, and being thereof convicted, shall forfeit and pay a sum, not exceeding fifty dollars, to be recovered by action of debt, before any court proper to try the same; one half with costs, to the prosecutor, and the other half to the treasury of this state; and if any person shall by bribery, menace, or other corrupt means or device, either directly or indirectly, attempt to influence as aforesaid, any person or give his vote for him, or to deter him from giving his vote for any other person, at any election for the choice of any person to represent this state in the congress of the United States, and be thereof convicted, he shall forfeit and pay the sum of two hundred dollars, to be recovered, and applied, as aforesaid, and be disabled from holding any office in the gift of this state.

Penalty for corruption, &c.

Penalty for using undue influence

SECTION 13. *And it is hereby further enacted,* That in every case in which the county clerks, as aforesaid, shall, in canvassing the votes in any district, be equally divided on any question relative to the admission of any votes, then they shall call to their assistance one of the judges of the county court in the county in which the votes are canvassed; and the said judges shall have an equal voice with the canvassers, in canvassing such votes.

Canvassers being divided. shall call on judge of county court,

SECTION 14. *And it is hereby further enacted,* That the judges, sheriffs, and clerks, shall, severally, be sworn to a faithful discharge of the duties required by this act, previous to their entering upon the business of canvassing said votes; which oath may be administered by any justice of the peace within this state.

Canvassers to be sworn.

SECTION 15. *And it is hereby further enacted,* That the freemen's meetings to elect representatives to the twenty-third congress of the United States shall be holden on the first Tuesday of January next, which

Freemen's meeting to elect rep. to 23d cong. when and where to be holden.

Proceedings,
when, in any
district, no per-
son is elected.

meetings shall be warned, governed and conducted, and records and certificates made as is directed in the second and third sections of this act, and the said certificates shall be returned and the votes canvassed and return thereof made, as directed in the fifth section of this act; and if in any district no person shall have a majority of all the votes of such district, notice thereof shall be given to the chief magistrate, as before provided, whose duty it shall be to issue his proclamation as directed in the fourth section of this act, therein requiring the freemen of said district as directed in said section, to meet on the first Tuesday of March next, to elect a person to represent this state in the congress of the United States, which said meeting shall be governed and conducted and the votes sorted and counted, and record and certificates made, and said certificates returned to said county clerks, and the votes canvassed, and the result declared and notice thereof given, as in this act before directed; and if no person hath a majority of the votes aforesaid, it shall be the duty of the Governor to issue his proclamation as before directed, requiring the freemen to meet as before directed, on the first Tuesday of May next, and the presiding officers shall take and return the votes as herein before directed, to the said clerks in their said districts, within one week from such meeting; and such clerks shall meet in the places herein before appointed, on the second Tuesday next succeeding the time of holding said meeting, and proceed publicly to canvass the votes and to declare the person having the greatest number of votes elected to represent this state in the congress of the United States, and notify the Governor of this state as before provided.

Clerks to de-
clare the per-
son having the
greatest num-
ber of votes, e-
lected.

Proceedings in
case of a va-
cancy.

SECTION 16. *And it is hereby further enacted,* That if by death, resignation, or otherwise, any vacancy shall happen, it shall be the duty of the chief magistrate to issue his proclamation, directing a new election, in the district where such vacancy shall happen; and the same proceedings shall be had as are directed in this act, in cases where there is no election made by the votes given in on the first Tuesday of September, and in case no person shall have a majority of all the votes given in at the freemen's meetings holden in pursuance of such proclamation, the same proceedings shall be had as are directed in this act, in case there is no election by the votes given in on the second Tuesday of November, and the person having the greatest number of votes at the second trial, shall be declared to be duly elected to represent this state in the congress of the United States.

The person
having greatest
number of
votes shall be
decl'd elected.

SECTION 17. *And it is hereby further enacted,* That an act entitled "An act dividing the state into districts for electing representatives to the congress of the United States, and directing the mode of their election," passed November 11th, A. D. 1822, and all other acts and parts of acts inconsistent with the provisions of this act, be, and the same are hereby repealed. *Provided,* that the said acts hereby repealed, shall remain and be of full force, except the last providing clause of the act first above mentioned, for the purpose of filling any vacancy that has happened, or shall happen in the twenty-second congress, and for the prosecution of any penalty that has accrued, or shall accrue, for the breach of said acts. Former acts repealed

SECTION 18. *And it is hereby further enacted,* That it shall be the duty of the Secretary of State, immediately, to cause this act to be published in all the newspapers printed in this state. This act to be published

[Passed Nov. 8, 1832.]

12---An act, in addition to, and in alteration of the several acts, regulating and governing the militia of this state

Comp. Laws,
Chap. 96.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That every Captain or commanding officer of a company, shall call his company together on the first Tuesday in June, annually, at nine o'clock in the forenoon, for the purpose of taking an exact account of every man's arms and equipments, and also, for company discipline and drill; at which time every article now required by law, shall be brought to the place of examination, and at which time it shall be the duty of the orderly sergeant, or in his absence, of some other person, to be appointed on the occasion for the time only, by the commanding officer, for that purpose, to make out an exact roll of the arms and equipments, which shall belong to each man; and every commanding officer of a company, shall keep constantly by him, a roll, with the arms and equipments of every man, annexed to his name as aforesaid, from which all detachments, and the annual return shall be made, and the said roll shall be revised, corrected and completed on the first Tuesday in June, annually.

Companies to be called together on 1st Tues. of June.

Roll.

Staff officers to
be taken from
line.

SEC. 2. *It is hereby further enacted,* That the commissioned staff officers of the militia, excepting the Adjutant and Inspector General, and the Quarter Master General, shall hereafter be taken from the line of commissioned officers; and no officer receiving a staff appointment, shall thereby lose his rank in the line.

Second Lieut.
instead of En-
signs.

SEC. 3. *It is hereby further enacted,* That, instead of an Ensign in the several companies of Infantry and Riflemen, there shall be a second Lieutenant; and instead of an Ensign of Artillery, there shall be a third Lieutenant, and instead of a Cornet of Cavalry, there shall be a third Lieutenant.

Polls of mili-
tia exempt
from taxes.

SEC. 4. *It is hereby further enacted,* That the polls of the militia returned equipt, and who shall perform the duty required by law, shall be exempt from the payment of all taxes, except district school taxes, and except also all taxes for making and repairing highways and bridges, whether payable in labor or money, and for the payment of damages assessed to individuals through whose lands any road may be laid, from which taxes they shall not be exempt,—and ten dollars shall be deducted by the listers, from the list of any parent, master or guardian, who shall equip any minors, liable to do military duty, under his care, so far only as to exempt such parent, master or guardian from the payment of the same taxes which the polls of the other militia are, by this act, exempt.

Former acts
repealed.

SEC. 5. *It is hereby further enacted,* That the 19th and 23d sections of the act, entitled an act for regulating and governing the militia of this state, passed Nov. 10th, 1818—the 6th and 7th sections of an act entitled an act in addition to, and amendment of an act entitled an act regulating and governing the militia of this state, passed Oct. 31st, 1823—the act entitled an act in alteration of the several acts regulating and governing the militia of this state, passed Oct. 28th, 1829,—and an act entitled an act, in addition to, and explanatory of the several acts regulating and governing the militia of this state, passed Nov. 9th, 1831, and all acts and parts of acts inconsistent with the provisions of this act, be, and the same hereby are, repealed; provided always, that the militia of this state shall not hereafter be mustered by brigades, nor shall regiments or battalions, be mustered oftener than once in every second year.

[Passed Nov. 8, 1832.]

13--An act to repeal so much of an act as therein mentioned, passed Nov. 2, 1796. Comp. Laws,
Chap. 99.

It is hereby enacted by the General Assembly of the State of Vermont, That so much of the third section of an act as empowers land tax committees, where a tax has been raised for the purpose of making and repairing roads and building bridges, to lay out roads in the month of May next, after granting said tax, passed November the second, one thousand seven hundred and ninety-six, be, and the same is hereby, repealed. *Former act re-
pealed*

[Passed Nov. 8, 1832.]

14--An act, in addition to an act, entitled, "an act in addition to an act entitled an act, against disturbing the remains of the dead." Comp. Laws,
Chap. 34.

It is hereby enacted by the General Assembly of the State of Vermont, That any justice of the peace, within his proper jurisdiction, shall, upon the complaint and oath of any person, satisfactory to said justice, that the remains of any dead person have been disinterred and removed, and that the person making such complaint has reason to suspect and believe, that the remains of such dead person are secreted in any dwelling-house, or other building, such justice of the peace shall issue a warrant, in due form of law, directed to the sheriff of the county where such search is to be made, or to his deputy, or any constable in the same county, commanding them to make search in such place or places for such dead person; and such sheriff, his deputy, or constable, shall not be made liable in any suit or prosecution for executing said warrant, if such dead person is, or is not found. *Justice of the
peace may is-
sue warrant to
search dwelling
house, &c.*

[Passed Nov. 8, 1832.]

15--An act, authorizing the building of a State-House at Montpelier. Comp. Laws,
Chap. 75.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That the sum of fifteen thousand dollars be, and the same is, hereby, appropriated for *\$15,000 appro-
priated for e-
recting state-
house.*

Provided that inhabitants of Montpelier give bond to pay into treasury \$15,000.

the purpose of erecting a new state-house at Montpelier; and the treasurer of the state is hereby directed to pay said sum to the committee to be appointed, as herein after provided, to superintend the building of said state-house, out of any moneys in the treasury not otherwise appropriated. *Provided*, the inhabitants of Montpelier, or any individuals, shall, before the first day of January, in the year of our Lord one thousand eight hundred and thirty-three, give good and sufficient security to the treasurer of this state, to pay into the treasury of the state, the sum of fifteen thousand dollars; one half of said sum to be paid in one year, and the remainder in two years from the passage of this act; which said last mentioned sum shall, also, be paid to said committee, and expended for the purpose aforesaid.

Gov. to appoint committee to prepare plan, &c.

SEC. 2. *It is hereby further enacted*, That it shall be the duty of the Governor of this state, to appoint three suitable persons, as a committee, to fix upon a place, in Montpelier, for the erection of said state-house, and to prepare a plan for the same. And it shall be the duty of said committee to deliver one copy of their proceedings, together with a plan of said state-house, to the Secretary of State, and one to the superintending committee, on or before the first day of March, in the year of our Lord one thousand eight hundred and thirty-three.

Also, committee to superintend.

SEC. 3. *It is hereby further enacted*, That it shall be the duty of the Governor of this state, also, to appoint some suitable person or persons, as a committee to superintend the erection of said state-house, agreeably to the plan adopted by the committee aforesaid.

Superintending committee to give bonds, &c.

SEC. 4. *It is hereby further enacted*, That the superintending committee shall, before they enter upon the discharge of their duties, give good and sufficient bonds to the treasurer of the state, in the sum of fifty thousand dollars, for the faithful discharge of their duties.

[Passed Nov. 8, 1832.]

Comp. Laws,
Chap. 66.

16—An act relating to pedlars.

No licence to be granted for shorter period than one year.

It is hereby enacted by the General Assembly of the State of Vermont, That hereafter, no licence to any person to be a hawker and pedlar, within this state, shall be granted for a shorter period of time than one year.

[Passed Nov. 7, 1832.]

17—An act, in addition to an act, entitled, "an act dividing the state into districts for electing representatives to the congress of the United States, and directing the mode of their election,"

Comp Laws,
Chap 87.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That the freeman's meeting, in the first congressional district in this state, for the purpose of electing a representative to the congress of the United States, to supply the vacancy occasioned by the decease of Jonathan Hunt, shall be holden in the several towns in said district, on the second Tuesday of November next, at one o'clock, in the afternoon. And said meeting shall be conducted, and the result made known, in all respects, as is provided in the act to which this is in addition.

Freemen's
meeting in 1st
cong. district
to be holden on
1st Tues. Nov.

SEC. 2. *It is hereby further enacted,* That it shall be the duty of the Secretary of State, forthwith, to cause this act to be published in all the newspapers printed in said district, which shall be sufficient notice to said freemen; and they hereby are required to take due notice thereof, and govern themselves accordingly:

This act to be
published.

[Passed Oct. 22, 1832.]

18—An act, authorizing and directing the mode of forming fire companies in this state.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That from and after the passing of this act, that upon a written request of three-fourths of the freeholders of any village, within this state, containing twenty dwelling-houses, or more; to the selectmen of the town in which such village shall be situated, it shall be the duty of such selectmen to lay out and establish the limits and bounds of such village, for the purpose of forming a fire society therein, and affix a name thereto, and make return thereof to the town clerk of such town, in writing, certified under their hands, and cause the same to be recorded in such town clerk's office, and give public notice of the limits and bounds of such village being laid out and established, by posting up notifications in not less than three public places in such village.

Selectmen may
establish limits
of fire society,
and affix a
name thereto.

SEC. 2. *It is hereby further enacted,* That every freeholder in such village, and their successors, shall be constituted and appointed by virtue of this act a body politic

Freeholders of
such village in-
corporated.

Powers. and corporate, to all intents and purposes, by the name affixed by said selectmen, and by that name may sue and be sued, plead and be impleaded, and may purchase, hold, and convey real estate to an amount not exceeding two thousand dollars, and personal estate to an amount not exceeding one thousand dollars, to themselves and successors; and have a common seal, and enjoy all the privileges and rights which are incident to corporations.

First meeting. **By-laws.** **SEC. 3.** *It is hereby further enacted,* That one of said selectmen shall set up a warning, in some proper place, giving at least ten days notice to such freemen, to meet at some suitable time and place, in said village, for the purpose of choosing such officers as may be by them deemed proper and necessary, and establish a mode of calling future meetings; and the said corporation may, at said meeting, and all other meetings legally holden, make and ordain by-laws, rules and regulations, and the same repeal and alter at pleasure, to carry into effect the object of said corporation.

Fire wardens. **Their powers and duties.** **SEC. 4.** *It is hereby further enacted,* That such persons, not exceeding twelve, as said corporation may, from time to time elect, by ballot, as fire wardens, and having with them some distinguishing badge of their office, fixed upon by such corporation, hereby shall be empowered, in times of fire, to demand and require assistance from any of the inhabitants of such village to extinguish and prevent the spreading of such fire, and to remove goods and effects out of any dwelling, or other places, endangered by said fire; and a majority of such fire wardens are hereby further empowered to cause to be pulled down, blown up, or removed, such dwellings or other buildings as they may deem necessary, for the purpose of preventing the spreading or progress of such fires; and the said fire wardens shall hereby be further empowered to require and demand assistance from any of the inhabitants of said village, to pull down or remove, any building, whenever it shall be judged necessary by a majority of the fire wardens present; and said fire wardens shall hereby be empowered to suppress any tumults, or disorders, and direct the labor of all persons present during such fires, belonging to such village; and if any person as aforesaid, shall refuse to obey the orders of said fire wardens, in any manner, authorized by this act, such offender shall, on conviction thereof before any justice of peace, proper to try the same, forfeit and pay a fine, not exceeding seven dollars, to the treasurer of such corporation. *Provided,* That the offender be prosecuted

Penalty for refusing to obey orders of wardens.

Proviso.

by action of debt, brought by any warden in the name of said treasurer, within ninety days from the time of committing such offence.

SEC. 5. *It is hereby further enacted,* That the said corporation shall have power to impose such fines; for the neglect of duties, as shall be, by the by-laws of such corporation, enjoined upon the members thereof; and also have power to regulate the keeping of all combustible materials, within the limits of such village. Powers of corporation.

SEC. 6. *It is hereby further enacted,* That the members of such engine company as may be formed under this act, being inhabitants of such village, shall be exempt from military duty, to the number of fifteen and no more, in times of peace only, to each fire engine—*Provided,* That all societies formed under this act shall be under the control of any future legislature, to alter, amend, or repeal the same. Members exempt from military duty.
Proviso.

[Passed Nov. 8, 1832.]

19.—An act, making provision for the settling the concerns of the Vermont State Bank, and to repeal an act therein mentioned.

Comp. Laws,
Chap. 95.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That the legislature, at their present session, and annually thereafter, shall appoint an agent in behalf of this state, with full powers to collect all demands, secure them in whole or in part, as he may find practicable, and shall in his opinion be for the interest of the state, which have arisen or accrued by reason of the establishment of said bank; and, also, make sale of all real estate belonging to this state, which may have accrued through the medium of said bank, with full power to make, execute, and deliver all necessary conveyances and writings for effecting said purpose, either by deed or bonds, as may be in his opinion necessary, which bonds shall be binding on this state; and it shall be the duty of the agent, appointed by an act passed October twenty-ninth, one thousand eight hundred and twenty-nine, to deliver to the agent appointed by virtue of this act, all demands of every name or nature, in his hands, which may have arisen out of the proceeds of said bank, and in like manner to deliver all writings in any way concerning the property of said bank, or for the sale of any real estate belonging to this Agent to be appointed to settle concerns of State Bank.

Powers and duties of agent.

state, arising in any manner, from the proceeds of said bank; and it shall be the duty of the agent appointed by virtue of this act, to take up the business contemplated by this act, and to complete the same as soon as, in his opinion, shall be consistent with the interests of the state; and deposit all moneys he may receive, together with a statement of all his doings, in the premises, before the twenty-fifth day of October, annually, with the treasurer of this state, whose duty it shall be to communicate the same to the General Assembly.

Act of 1829 re-
pealed. **Proviso.** **SEC. 2.** *It is hereby further enacted,* That the act entitled, "an act, making provision for settling the concerns of the Vermont State Bank, and to repeal an act therein mentioned," passed October twenty-ninth, one thousand eight hundred and twenty-nine, be, and the same is hereby, repealed. *Provided nevertheless,* That the act last aforesaid, shall be and remain in full force as it relates to all acts heretofore done, or responsibilities accrued under the provisions thereof.

Agent to give
bond for faith-
ful discharge
of duty. **SEC. 3.** *It is hereby further enacted,* That before the agent appointed by virtue of this act shall enter on the business aforesaid, he shall execute and deliver to the treasurer of this state a bond, with good and sufficient sureties, to the said treasurer, and in the penal sum of ten thousand dollars, conditioned for the faithful performance of the trust reposed in him by this act.

[Passed Nov. 8 1832.]

20.—An act to encourage the destruction of foxes, within this state.

Premium for
killling foxes. **SECTION 1.** *It is hereby enacted by the General Assembly of the State of Vermont,* That if any person shall take, kill and destroy any fox within this state, he shall receive out of the treasury of the state, as a premium, for every such fox, the sum of twenty-five cents.

Treasurer to
furnish town
clerks with bl'k
certificates: **SEC. 2.** *It is hereby further enacted,* That it shall be the duty of the treasurer of the state to furnish each town clerk of the respective towns within this state, with a number of printed blanks of a certificate, proper to be given in such case. And every person who shall kill a fox, within this state, may apply to the town clerk, within the town in which such fox was killed, with such fox, or the

skin of such fox;—and such town clerk shall strictly examine such person, or persons, on oath, or affirmation, when, where, and how, he or they, obtained such fox, or skin, and whether the fox or skin to which it belonged was taken within this state; and when such town clerk shall be satisfied thereof, he shall give a certificate thereof, by filling up, and signing one of the aforesaid blanks; which certificate the treasurer of the state shall receive, and thereupon pay to the holder the above premium, agreeably to the certificate given by such town clerk. And it shall be the duty of the several town clerks within this state, upon issuing any certificate, as aforesaid, for any fox, or skin of any fox, to put a mark upon said fox, or skin, by cutting off the right fore leg to the knee joint.—And further, that the several town clerks, within this state, be, and they hereby are; empowered to administer the oath, herein required to be taken by the applicant for the certificate aforesaid. And the several towns, in this state, shall allow their town clerks such sum as may be reasonable, for their services, as required by this act.

Town clerks to examine, &c.

And fill up certificate.

Treasurer to pay, &c.

Town clerks to mark foxes, &c.

Empowered to adm'r oath.

[Passed Nov. 8, 1832.]

21—An act, explanatory of an act, relating to mills and millers.

Comp. Laws,
Chap. 61.

It is hereby enacted by the General Assembly of the State of Vermont, That an act entitled, "an act, relating to mills and millers," shall not be so construed as to make any owner, or occupier, of any mill liable to the penalty therein named, who shall neglect or refuse to grind any grain, brought to such mill, to be ground for the avowed, or apparent purpose, of manufacturing such grain into distilled spirits; nor liable to any suit or action for so refusing.

Owner of mill not liable to penalty for refusing to grind in certain case.

[Passed Nov. 8, 1832.]

22—An act assessing a tax for the support of government.

It is hereby enacted by the General Assembly of the State of Vermont, That there be, and hereby is, assessed a tax of three cents on the dollar, on the list of the polls and rateable estate of the inhabitants of this state, for the year

Tax of 3 cts. on the dollar assessed.

How paid.

one thousand eight hundred and thirty-two, to be paid into the treasury, by the first day of June next, in money, certificates or notes, issued by the treasurer of this state, orders drawn by the auditor of accounts against the state, orders drawn by, or under the direction of the supreme or county courts.

[Passed Nov. 8, 1832.]

23.—An act making appropriations for the support of government.

\$40,000 appropriated for certain purposes.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That a sum not exceeding forty thousand dollars be, and the same is hereby, appropriated for the purpose of paying the debentures of the lieutenant governor, the council, and the contingent expenses thereof, and for the debentures of the General Assembly, and the contingent expenses thereof, including the debenture of the auditor of accounts, and such salaries as are provided by law, and such sums as are directed, by special acts of the legislature, to be paid from the treasury.

\$30,000 for other purposes.

SEC. 2. *It is hereby further enacted,* That a sum not exceeding thirty thousand dollars, be, and the same is hereby, appropriated for the purpose of paying such demands against this state, as may be allowed by the auditor of accounts, and such orders as may be drawn on the treasurer by the supreme and county courts.

[Passed Nov. 8, 1832.]

24....An act, altering the name of Random.

Town of Random to be called Brighton.

It is hereby enacted by the General Assembly of the State of Vermont, That the town of Random, in the county of Essex, shall be hereafter known and called by the name of Brighton. *Provided,* That for the term of three years, after the passing of this act, in all public notices and advertisements, which shall, in any degree, affect the exposure of lands, in said township, for sale at vendue for taxes, or otherwise, or shall respect any meeting or proceeding

of the proprietors of said township; the said town shall be ^{How called in} called in such notices, Brighton, late Random, in the ^{public notices:} county of Essex.

[Passed Nov. 3, 1832.]

25—An act, in addition to, and in explanation of an act, entitled, "an act, annexing a part of the town of Mount Tabor, in the county of Rutland, to the town of Dorset, in the county of Bennington," passed Nov. 17, 1825.

It is hereby enacted by the General Assembly of the State of Vermont, That the words "*excepting about one hundred acres, on the north end of said piece of land, owned and occupied by Caleb Buffum,*" in the act aforesaid, shall be so taken and construed, as to include all the lands owned by the said Caleb Buffum, at the time of the passage of the said act, included within the limits of that part of Mount Tabor annexed to the said town of Dorset, by the act aforesaid. ^{Act of 1825, how construed:}

[Passed Nov. 3, 1832.]

26....An act annexing Savage Island to South Hero.

It is hereby enacted by the General Assembly of the State of Vermont, That Savage Island, so called, now belonging to the town of Grand Isle, in Grand Isle county, be, and the same is hereby, annexed to the town of South Hero, in said Grand Isle county; and shall, to all intents and purposes, form a part of said town of South Hero. ^{Savage Island annexed to South Hero:}

Provided, This act shall have no force or effect until the said towns of Grand Isle and South Hero shall have given their assent thereto in legal town meeting warned for that purpose. ^{Proviso:}

[Passed Nov. 1, 1832.]

27....An act, annexing part of the town of Salisbury to the town of Ripton.

Part of Salisbury
annexed to
Ripton.

It is hereby enacted by the General Assembly of the State of Vermont, That so much of the town of Salisbury, in the county of Addison, as lies within the bounds following, to wit: beginning at the southwest corner of the town of Ripton—thence west ten degrees north, one hundred and sixty rods—thence north ten degrees east, to the north line of said town of Salisbury—thence east on the north line of Salisbury, to the northeast corner of said Salisbury—thence on the east line of said Salisbury to the first mentioned bounds, be, and the same is hereby, annexed to the town of Ripton, in said county of Addison, and shall, to all intents and purposes, form a part of said town of Ripton.

Proviso.

Provided, This act shall not be so construed as to entitle said town of Ripton to any part of the rents or profits arising from a public lot included in the above description, but the same is reserved to the town of Salisbury.

[Passed Nov. 1, 1832.]

RESOLUTIONS.

28

In General Assembly, Nov. 7, 1832.

Resolved, the Governor and Council concurring herein, That our senators in congress be instructed, and our representatives requested, to sustain, by all proper means, a division of the moneys arising from the sale of the public lands, in accordance with the principles contained in the report, made by Mr. Clay, to the Senate of the United States, at the last session of congress.

[*Concurred, Nov. 8, 1832.*]

29

In General Assembly, Nov. 8, 1832.

Resolved, the Governor and Council concurring herein, That the Secretary of the Governor and Council be directed to distribute the copies of Scott's Military Discipline, now in the state library, in equal proportions, among the respective officers of regiments, in this state.

[*Concurred, Nov. 8, 1828.*]

30

In General Assembly, Nov. 7, 1832.

Resolved, the Governor and Council concurring herein, That Benjamin F. Deming, of Danville, and George T. Hodges, of Rutland, be, and hereby are; appointed a committee to attend at the state prison, in the month of September next, to make an appraisal and inventory of all the property belonging to said prison; and, also, to settle with

the superintendent, and investigate all the accounts of said prison; and report to the next session of the legislature,

[Concurred, Nov. 7, 1832.]

31

In General Assembly, Oct. 26, 1832.

Resolved, the Governor and Council concurring herein, That our representatives in congress be requested, and our senators instructed, to use all honorable endeavors to procure the passage of a law, which shall effectually protect our citizens engaged in the manufacture of marble, from foreign competition.

[Concurred, Oct. 27, 1832.]

32

In General Assembly, Nov. 8, 1832.

Resolved, the Governor and Council concurring herein, That the Governor be requested to open a correspondence with the Governor of Lower Canada, upon the subject of removing the obstructions at the outlet of Lake Champlain, near St. Johns, in the province of Lower Canada.

[Concurred, Nov. 8, 1832.]

33

In General Assembly, Nov. 8, 1832.

Whereas, there exists in the country an organized and powerful opposition to the system of protection to domestic industry and enterprize, usually denominated the "*American System*," which has, heretofore, been considered the settled policy of the government: *And whereas*, a proposition for the reduction of the tariff duties, to an extent destructive to the leading interests of this portion of the Union, was made by the head of the treasury department, sanctioned by the executive of the general government, himself, at the last session of congress, which proposition may be renewed under the same auspices,

Therefore,

Resolved, the Governor and Council concurring herein, That our senators in congress be instructed, and our representatives be requested, to oppose any and every modification of the tariff laws, which shall have any tendency to weaken or destroy their efficiency, as a system of protection to domestic manufactures, in their various branches.—

And, whereas, It is believed that the prosecution, by the general government, of works of internal improvement, of a character strictly national, is of the highest utility, in developing and increasing the resources, as well as securing the defence of the country, and is, also, most intimately connected with the prosperity of its agricultural and commercial interests—

Therefore,

Resolved, the Governor and Council concurring herein, That our senators in congress be instructed, and our representatives be requested, to aid in procuring appropriations for such works of internal improvement, as shall, in their opinion, be of general and national importance.

And whereas, It is believed that a bank of the United States is indispensably necessary as the fiscal agent of the government, as well as of the first utility, in promoting and sustaining a sound currency, within the country,

Therefore,

Resolved, the Governor and Council concurring herein, That our senators in congress be instructed, and our representatives be requested, to use their endeavors to procure a re-charter of the present bank of the United States, with such powers and provisions as they shall deem most proper for the attainment of the objects of its institution, and most conducive to the general welfare.

And whereas, The independence of the judiciary, and the maintenance of its authority, are deemed to be absolutely necessary to secure the rights of the people, and to preserve the union of the states—

Therefore,

Resolved, the Governor and Council concurring herein, That our senators in congress be instructed, and our representatives be requested, to use their influence, and their votes, to preserve inviolate the integrity, and resist all encroachments upon the authority of the supreme court of

the United States, and to insure the independence of the judiciary, in every department.

[Concurred, Nov. 8, 1832.]

34

In General Assembly, Oct. 19, 1832.

Resolved, the Governor and Council concurring herein, That the auditor of accounts against this state, be authorized to audit and settle the accounts of the Quarter-Master General, up to this time.

[Concurred, Oct. 20, 1832.]

State of Vermont.

SECRETARY OF STATE'S OFFICE, }
Montpelier, Nov. 17, 1832. }

I certify that the foregoing thirty-four chapters, are true copies of the original acts and resolutions, passed by the legislature of this state, on file in this office,

TIMOTHY MERRILL,
Secretary of State.

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PRIVATE ACTS.

GRANTS OF MONEY, AND REMISSION OF DEBTS DUE THE STATE.

- 1.—An act, directing the treasurer to credit Norman Harvey the sum therein mentioned.

It is hereby enacted by the General Assembly of the State of Vermont, That the treasurer of this state be, and he is hereby, directed to credit Norman Harvey, first constable and collector of the town of Rupert, the sum of forty dollars, towards the state tax of said Rupert, for the year one thousand eight hundred and thirty-one; it being for that sum collected by said Harvey, and lost by the freshet in the month of August of that year.

Treasurer directed to credit Norman Harvey \$40 00.

[Passed Nov. 7, 1832.]

- 2.—An act, directing the treasurer to pay William B. Pratt the sum therein mentioned.

It is hereby enacted by the General Assembly of the State of Vermont, That the treasurer of this state be, and hereby is, directed to pay William B. Pratt the sum of three hundred and thirteen dollars, out of any money in the treasury not otherwise appropriated; it being for moneys expended by him for medical services rendered him, when confined by an injury received while laboring on the state prison building, in August, one thousand eight hundred and thirty; and for his loss of time and services, occasioned thereby.

Wm. B. Pratt,
\$313 00.

[Passed Nov. 8, 1832.]

3.—An act, directing the treasurer to pay Orson Collins the sum therein mentioned.

Orson Collins,
\$25 00.

It is hereby enacted by the General Assembly of the State of Vermont, That the treasurer of this state be, and he hereby is, directed to pay Orson Collins the sum of twenty-five dollars, out of any money in the treasury not otherwise appropriated; it being to-wit, and, in part, a sum paid by him for a pedlar's licence, of the use of which he was deprived by sickness.

[Passed Nov. 7, 1832.]

4.—An act, directing the treasurer to pay Joseph Howes the sum therein mentioned.

Joseph Howes,
\$58 31.

It is hereby enacted by the General Assembly of the State of Vermont, That the treasurer be, and he is hereby, directed to pay to Joseph Howes the sum of fifty-eight dollars and thirty-one cents; it being for moneys by him expended in repairs on the state-house, in one thousand eight hundred and thirty-two.

[Passed Nov. 7, 1832.]

5.—An act, providing for the settlement of the claims of Jonathan Hall and Samuel Patrick.

Superintendent
Vt. state prison
authorized to
pay Jona. Hall,
\$40 00, and
Sam'l Patrick
\$20 00, on cer-
tain conditions.

It is hereby enacted by the General Assembly of the State of Vermont, That the superintendent of the state prison be, and he hereby is, authorized and directed to pay to Jonathan Hall, of Windsor, the sum of forty dollars; and to Samuel Patrick, of the same Windsor, the sum of twenty dollars, out of the funds of said prison, when, and so soon as, the said Hall and Patrick shall have made and delivered to the said superintendent, a good and sufficient release to this state, of all damages heretofore sustained by them, or either of them, in consequence of the diversion of a portion of the waters of a certain brook, and of the head springs thereof, which runs through the land of said Patrick, and near the land of said Hall; and shall, also, for themselves, their heirs, executors, administrators and assigns, have released and quit-claimed to this state, for all

time to come, so much of the waters of said brook, and of the head springs thereof, as shall be necessary for the future supply of the said prison and its appurtenances, and of such other places as the state are now under contract to supply therefrom, freed from all future claim for damages, or future compensation for such use.

[Passed Nov. 7, 1832.]

6.—An act for the relief of James Southard.

It is hereby enacted by the General Assembly of the State of Vermont, That the state's attorney, within and for the county of Chittenden, be, and he hereby is, authorized to take James Southard's note, payable to the treasurer of this state, for the sum of five hundred dollars, in five annual instalments, with interest;—the first payable on the first day of June next, and the others in successive years, secured by some responsible surety, or by mortgage upon real estate, in the discretion of said state's attorney; and on the giving of such security, the said state's attorney is hereby further authorized to discharge the said James Southard from a certain fine and costs, and from two executions, in favor of said treasurer, against said James Southard, and his surety, William Everts, upon all of which said James Southard is now committed to the jail in said Chittenden county.

State's att'y for
Chit. county
authorized to
discharge Ja's
Southard from
commitment,
on certain con-
ditions.

[Passed Nov. 7, 1832.]

7.—An act, directing the treasurer to pay Ezra C. Scott the sum therein mentioned.

It is hereby enacted by the General Assembly of the State of Vermont, That the treasurer of this state be, and he is hereby, directed to pay Ezra C. Scott the sum of forty dollars, out of any money in the treasury not otherwise appropriated; it being to refund part of a sum paid by said Scott for a pedlar's licence, of the use of which he was deprived by sickness.

Ezra C. Scott,
\$40 00.

[Passed Oct. 27, 1832.]

8.—An act, directing the state treasurer to pay to Asa Aikens the sum therein mentioned.

Asa Aikens,
\$80 00.

It is hereby enacted by the General Assembly of the State of Vermont, That the treasurer of the state be, and he hereby is, directed to pay to Asa Aikens, out of any moneys in the treasury not otherwise appropriated, the sum of eighty dollars; it being for his services as commissioner of the state to investigate the question whether the lands in the town of Wheelock, granted by this state to Moore's Charity School, are forfeited to the state.

[Passed Nov. 1, 1832.]

9.—An act, compensating the superintendent of the Vermont state prison.

John H. Cotton allowed
\$850 00.

It is hereby enacted by the General Assembly of the State of Vermont, That John H. Cotton be, and he hereby is, allowed to credit himself, upon the books of the state prison, the sum of eight hundred and fifty dollars; it being for services and expenses as superintendent of the state prison, for the year ending on the first day of December, one thousand eight hundred and thirty-two.

[Passed Nov. 1, 1832.]

10.—An act, directing the treasurer to pay James Davis the sum therein mentioned.

James Davis,
\$1312 14.

It is hereby enacted by the General Assembly of the State of Vermont, That the treasurer of this state be directed to pay James Davis the sum of thirteen hundred twelve dollars and fourteen cents, out of any moneys not otherwise appropriated, for preparing and procuring to be printed and bound, five hundred copies of the third volume of the reports of the decisions of the supreme court.

[Passed Nov. 3, 1832.]

11.—An act, directing the treasurer to pay John L. Chandler the sum therein mentioned.

John L. Chandler, \$10 00.

It is hereby enacted by the General Assembly of the State of Vermont, That the treasurer be, and hereby is, directed to pay John L. Chandler the sum of ten dollars; it

being for professional services, as a physician, rendered for sundry state prisoners.

[Passed Nov. 3, 1832.]

12.—An act, directing the treasurer to pay the town of Plymouth the sum therein mentioned.

It is hereby enacted by the General Assembly of the State of Vermont, That the treasurer of this state be, and hereby is, directed to pay the town of Plymouth the sum of nine dollars and fifty-seven cents; it being for an error in the state tax on said Plymouth, for the year one thousand eight hundred and twenty-nine. Town of Plymouth, §9 57.

[Passed Nov. 3, 1832.]

13.—An act, directing the treasurer to pay Samuel Messinger the sum therein mentioned.

It is hereby enacted by the General Assembly of the State of Vermont, That the treasurer of this state be, and hereby is, directed to pay Samuel Messinger nine hundred seven dollars and fifteen cents; it being for money paid the state treasurer on a mortgage to the state of certain lands in the town of Jericho, and through mistake not accounted for on settlement. Sam'l Messinger, §907 15.

[Passed Nov. 7, 1832.]

14.—An act, granting to Joseph Weeks, of St. Albans, further time to pay a debt due the state.

It is hereby enacted by the General Assembly of the State of Vermont, That the state's attorney of the county of Franklin is hereby authorized and directed to discharge a gaol bond, in favor of the treasurer of the state, against Joseph Weeks, of St. Albans, and his bail, which said bond was given on an execution in favor of the treasurer of the state against said Weeks, issued on a judgment recovered State's att'y for Franklin co. directed to discharge bond on receiving security for one half of sum due.

at the spring term of Windsor county court, one thousand eight hundred thirty-two, on condition that the said Weeks gives good security, to the satisfaction of said state's attorney, for the payment of one half of said sum in one year from the passing of this act, and for the payment of the other half of said sum, in two years from the passing of this act, together with the interest.

[Passed Nov. 7, 1832.]

15.—An act, for the relief of Jefferson Scott, Lemuel Scott, Wait Scott, and Guy Kingsley.

Amount due on
two notes re-
mitted.

It is hereby enacted by the General Assembly of the State of Vermont, That the whole amount now due on two certain notes executed by them, the said Jefferson Scott, Lemuel Scott, Wait Scott, and Guy Kingsley, about the tenth of January, one thousand eight hundred and thirty, for the sum of fifty-two dollars and twenty-five cents each, to the treasurer of this state, which accrued in consequence of having been bail for Wait Scott, is hereby remitted and discharged.

[Passed Nov. 8, 1832.]

16.—An act for the relief of Daniel Staniford.

Time of pay-
ment of certain
notes extended.

It is hereby enacted by the General Assembly of the State of Vermont, That the time of payment be extended, for the term of five years, from the nineteenth day of May, one thousand eight hundred and thirty-one, upon five promissory notes, dated the day and year last aforesaid, and given by Daniel Staniford, of Burlington, in the county of Chittenden, to the treasurer of this state, for the sum of fifty-seven dollars and twelve cents, and payable in one, two, three, four and five years from date, and secured by mortgage upon his real estate in said Burlington: and the state's attorney for said county of Chittenden is hereby directed to forbear the collection of the said notes, and of an execution issued on a judgment recovered upon one of the said notes, for the term of five years as aforesaid.

[Passed Nov. 8, 1832.]

17.—An act, directing the treasurer to pay Lewis Higbee the sum therein mentioned.

It is hereby enacted by the General Assembly of the State of Vermont, That the treasurer of this state be, and he ^{Lewis Higbee, \$17 08.} hereby is, directed to pay Lewis Higbee the sum of seventeen dollars and eight cents, out of any moneys in the treasury not otherwise appropriated; it being for money by him expended in apprehending a felon.

[Passed Nov. 8, 1832.]

18.—An act, directing the treasurer to pay John McDuffie the sum therein mentioned.

It is hereby enacted by the General Assembly of the State of Vermont, That the treasurer of this state be, and here- ^{John McDuffie, \$46 00.} by is, directed to pay John McDuffie the sum of forty-six dollars, out of any money in the treasury not otherwise appropriated; it being for his services for twenty-three days surveying the canal rout from Onion River to Wells River, in the year one thousand eight hundred and thirty.

[Passed Nov. 8, 1832.]

LAND TAXES.

19.—An act, laying a tax on the lands in Holland.

Tax assessed. *It is hereby enacted by the General Assembly of the State of Vermont,* That there be, and hereby is, assessed a tax of four cents on each acre of land in the town of Holland, in the county of Orleans,—lands sequestered to public, pious and charitable uses excepted,—for the purpose of making and repairing roads, and building bridges in said town; to be expended under the direction of John Mead, **Committee.** Solomon Caswell, and William Hall, all of said Holland, who are hereby appointed a committee to superintend the expenditure of said tax; and any justice of the peace for the county of Orleans; is hereby authorized to issue his warrant to Joseph Fletcher, of said Holland, who is hereby appointed a collector to collect said tax: and said committee and collector are hereby directed, in collecting, expending and accounting for the moneys to be raised by said tax, to govern themselves in all things, by the general statutes of this state, in such case made and provided.

[Passed Nov. 8, 1832.]

20.—An act, laying a tax on the lands in Ferdinand.

Tax assessed. *It is hereby enacted by the General Assembly of the State of Vermont,* That there be, and hereby is, assessed a tax of three cents on each acre of land in the town of Ferdinand, in the county of Essex,—lands sequestered to public, pious and charitable uses excepted,—for the purpose of making and repairing roads, and building bridges in said town; to be expended under the direction of William Marshall, of Brunswick, John Stevens, and John Bishop, of Brighton, late Random, in said Essex county, who are hereby appointed a committee to superintend the expenditure of said tax; and any justice of the peace for the county of Essex, is hereby authorized to issue his warrant to

Silas Gaskill, of Charleston, who is hereby appointed a Collector. collector to collect said tax: and said committee and collector are hereby directed, in collecting, expending and accounting for the moneys to be raised by said tax, to govern themselves in all things, by the general statutes of this state, in such case made and provided.

[Passed Nov. 8, 1832.]

21.—An act, laying a tax on the lands in Sterling.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That there be, and hereby is, assessed a tax of two cents on each acre of land in the town of Sterling, in the county of Franklin,—lands sequestered to public, pious and charitable uses excepted,—for the purpose of making and repairing roads, and building bridges in said town; to be expended under the direction of Moses Vilas, Henry Eaton, and Douglass Dillingham, of said Sterling, who are hereby appointed a committee to superintend the expenditure of said tax. Tax assessed.
Committee.

SEC. 2. *It is hereby further enacted,* That Abner Flanders, Gamaliel Taylor, of Hydepark, and Thomas Waterman, of Johnson, are hereby appointed a committee to lay out and direct the road or roads, bridge or bridges, on which said tax shall be expended. Committee to lay out roads, &c.

SEC. 3. *It is hereby further enacted,* That any justice of the peace for the county of Franklin, is hereby authorized to issue his warrant to Jonathan Merrill, of Sterling, who is hereby appointed a collector to collect said tax: and said committee and collector are hereby directed, in collecting, expending and accounting for the moneys to be raised by said tax, to govern themselves in all things, by the general statutes of this state, in such case made and provided. Collector.

[Passed Nov. 8, 1832.]

22.—An act, laying a tax on the lands in Brighton, late Random.

It is hereby enacted by the General Assembly of the State of Vermont, That there be, and hereby is, assessed a tax Tax assessed.

Committee.

How expended.

Collector.

of four cents on each acre of land in the town of Brighton, late Random, in the county of Essex,—lands sequestered to public, pious and charitable uses excepted,—for the purpose of making and repairing roads, and building bridges in said town; to be expended under the direction of Miles Coe, of Newark, and Dexter Rosebrook and Timothy Corey, of said Brighton, late Random, who are hereby appointed a committee to superintend the expenditure of said tax; and said committee are hereby directed to lay out one third of said tax on the road recently surveyed from Newark to Canada line—the remainder at the discretion of said committee; and any justice of the peace for the county of Essex, is hereby authorized to issue his warrant to Silas Gaskill, of Charleston, who is hereby appointed a collector to collect said tax: and said committee and collector are hereby directed, in collecting, expending and accounting for the moneys to be raised by said tax, to govern themselves in all things, by the general statutes of this state, in such case made and provided.

[Passed Nov. 7, 1832.]

23.—An act, laying a tax on the lands in Lowell.

Tax assessed.

Committee.

How expended.

Collector.

It is hereby enacted by the General Assembly of the State of Vermont, That there be, and hereby is, assessed a tax of three cents on each acre of land in the town of Lowell, late Kellyvale, in the county of Orleans,—lands sequestered to public, pious and charitable uses excepted,—for the purpose of making and repairing roads, and building bridges in said town; to be expended under the direction of Malachi F. Dodge, Elisha Hitchcock, and Nathan Kelton, all of said Lowell, who are hereby appointed a committee to superintend the expenditure of said tax;—one-fifth part of said tax to be expended on the Burlington road, so called—*one-fifth of said tax to be expended on the road leading from Curtiss' tavern, to Craftsbury—one-fifth on the road leading from Curtiss' tavern, to Montgomery—one-fifth on the road leading from Curtiss' tavern, to Irasburgh, and one-fifth of said tax at the discretion of the committee; and any justice of the peace for the county of Orleans, is hereby authorized to issue his warrant to Sylvanus Sartle, of Lowell, who is hereby appointed a collector to collect said tax: and said committee and collector are hereby di-*

rected, in collecting, expending and accounting for the moneys to be raised by said tax, to govern themselves in all things, by the general statutes of this state, in such case made and provided.

Provided, nevertheless, and it is hereby further enacted, ^{Proviso.} That if the proprietors and land-owners of said town shall work out one half of said tax in the months of June and July next, then, and in that case, they are hereby allowed the months of June and July, in the year following, to complete the payment of said tax in labor, any law of this state to the contrary notwithstanding.

[Passed Nov. 7, 1832.]

24.—An act laying a tax on the lands in Barton.

It is hereby enacted by the General Assembly of the State ^{Tax assessed.} *of Vermont,* That there be, and hereby is, assessed a tax of four cents on each acre of land in the town of Barton, in the county of Orleans,—lands sequestered to public, pious and charitable uses excepted,—for the purpose of making and repairing roads, and building bridges in said town; to be expended under the direction of Ethan Blodget, Royal Benton, and Lyndon Robinson, who are hereby ^{Committee.} appointed a committee to superintend the expenditure of said tax; and said committee, in the expenditure of said tax, are hereby directed to lay out and expend three hundred dollars on the road leading from Cobb's mills, by Ea- ^{How expended.} ton's mills, to Brownington; and three hundred dollars on the road leading from Barton meeting-house, by Jonathan Robinson's, to Brownington; and two hundred dollars on the road leading from Barton village, by Cook's mills, to Brownington: and any justice of the peace for the county of Orleans, is hereby authorized to issue his warrant to George W. Kimball, of Barton, who is hereby appointed ^{Collector.} a collector to collect said tax: and said committee and collector are hereby directed, in collecting, expending and accounting for the moneys to be raised by said tax, to govern themselves in all things, by the general statutes of this state, in such case made and provided.

[Passed Nov. 3, 1832.]

25.—An act, laying a tax on the lands in Newport.

It is hereby enacted by the General Assembly of the State of Vermont, That there be, and hereby is, assessed a tax of four cents on each acre of land in the town of Newport, in the county of Orleans,—lands sequestered to public, pious and charitable uses excepted,—for the purpose of making and repairing roads, and building bridges in said town; to be expended under the direction of Peter Wheelock and Elias Eastman, of said Newport, and Samuel H. Hovey, of Troy, in said county, who are hereby appointed a committee to superintend the expenditure of said tax;—six hundred dollars of said tax to be expended on the Burlington road, so called, and the remainder at the discretion of said committee: and any justice of the peace for the county of Orleans, is hereby authorized to issue his warrant to Tyler Mason, of said Newport, who is hereby appointed a collector to collect said tax: and said committee and collector are hereby directed, in collecting, expending and accounting for the moneys to be raised by said tax, to govern themselves in all things, by the general statutes of this state, in such case made and provided.

[Passed Nov. 3, 1832.]

26.—An act, laying a tax on the lands in Sutton.

It is hereby enacted by the General Assembly of the State of Vermont, That there be, and hereby is, assessed a tax of three cents on each acre of land in the town of Sutton, in the county of Caledonia,—lands sequestered to public, pious and charitable uses excepted,—for the purpose of making and repairing roads, and building bridges in said town; to be expended under the direction of John Beckwith, William Thompson, and William Brockway, all of said Sutton, who are hereby appointed a committee to superintend the expenditure of said tax;—two thirds of said tax to be laid out on the county and river roads, and the remainder to be expended on roads and bridges in different parts of the town, at the discretion of said committee: and any justice of the peace for the county of Caledonia, is hereby authorized to issue his warrant to Nehemiah Shaw, of Sutton, who is hereby appointed a collector to collect said tax: and said committee and collector are hereby directed, in collecting, expending and accounting for the

moneys to be raised by said tax, to govern themselves in all things, by the general statutes of this state, in such case made and provided.

[Passed Nov. 1, 1832.]

17.—An act, laying a tax on the lands in Lemington.

It is hereby enacted by the General Assembly of the State of Vermont, That there be, and hereby is, assessed a tax Tax assessed. of three cents on each acre of land in the town of Lemington, in the county of Essex,—lands sequestered to public, pious and charitable uses excepted,—for the purpose of making and repairing roads, and building bridges in said town; to be expended under the direction of Mills De Forest, Stephen Harris, and Joseph Sims, of said Lemington, Committee. who are hereby appointed a committee to superintend the expenditure of said tax; and any justice of the peace for the county of Essex, is hereby authorized to issue his warrant to Artemas W. Buffington, of said Lemington, who is hereby appointed a collector to collect said tax: and said Collector. committee and collector are hereby directed, in collecting, expending and accounting for the moneys to be raised by said tax, to govern themselves in all things, by the general statutes of this state, in such case made and provided.

[Passed Nov. 1, 1832.]

28.—An act, laying a tax on the lands in Concord.

It is hereby enacted by the General Assembly of the State of Vermont, That there be, and hereby is, assessed a tax Tax assessed. of three cents on each acre of land in the town of Concord, in the county of Essex,—lands sequestered to public, pious and charitable uses excepted,—for the purpose of making and repairing roads, and building bridges in said town; to be expended under the direction of Daniel Pike, 2d, John Temple, and David Moulton, of said Concord, who Committee. are hereby appointed a committee to superintend the expenditure of said tax; and any justice of the peace for the county of Essex, is hereby authorized to issue his warrant

Collector.

to David Hibbard, Junior, of said Concord, who is hereby appointed a collector to collect said tax: and said committee and collector are hereby directed, in collecting, expending and accounting for the moneys to be raised by said tax, to govern themselves in all things, by the general statutes of this state, in such case made and provided.

[Passed Nov. 1, 1832.]

29.—An act, laying a tax on the lands in the town of Topsham.

Tax assessed.

It is hereby enacted by the General Assembly of the State of Vermont, That there be, and hereby is, assessed a tax of four cents on each acre of land in the town of Topsham, in the county of Orange,—lands sequestered to public, pious and charitable uses excepted,—for the purpose of making and repairing roads, and building bridges in said town; to be expended under the direction of Edmund George, Moses A. Dustin, and Jonathan Jenness, all of Topsham,

Committee.

who are hereby appointed a committee to superintend the expenditure of said tax: the inhabitants of each highway district to have all the money belonging to the same, to

How expended.

work in their own district; all the non-resident tax to be worked on the new road, leading from Worthly's bridge to Groton line, through the west part of Topsham: and any justice of the peace for the county of Orange, is hereby authorized to issue his warrant to Levi Tabor, of Topsham, who is hereby appointed a collector to collect said tax: and said committee and collector are hereby directed, in collecting, expending and accounting for the moneys to be raised by said tax, to govern themselves in all things, by the general statutes of this state, in such case made and provided.

Collector.

[Passed Nov. 1, 1832.]

30.—An act, to revive an act, laying a tax on the lands in Sheldon.

Act of 1831 re-
vived.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That an act, entitled, "an act, laying a tax on the lands in Sheldon," passed October

twenty-sixth, one thousand eight hundred and thirty-one, be, and the same is, hereby, revived; and that the time allowed for the collection and expenditure of said tax, and for all other purposes, shall be the same as though said act had been passed at the present session of the legislature.

SEC. 2. *It is hereby further enacted,* That instead of the committee, appointed by the act, aforesaid, to superintend the expenditure of said tax, Smith Olmstead, William Hammond, and Eleazer B. Peckham, be, and they are **Committee.** hereby, appointed a committee for the purpose aforesaid.

[Passed Nov. 3, 1832.]

31.—An act, to revive an act, laying a tax on the lands in Waterville.

It is hereby enacted by the General Assembly of the State of Vermont, That an act, entitled, "an act, laying a tax on the lands in Waterville," passed November first, one thousand eight hundred and thirty, be, and the same is hereby, revived; and that the time allowed for the collection and expenditure of said tax, and for all other purposes, shall be the same as though said act had been passed at the present session of the legislature. **Act of 1830 revived.** **Time allowed for collection, &c.**

[Passed Nov. 3, 1832.]

INCORPORATIONS.

§2. —An act, to incorporate the Vermont Rail-Road Company.

Persons incor-
porated.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont, That Timothy Follett, John N. Pomeroy, John Peck, Luther Loomis, Harry Bradley, John Johnson, Henry Thomas, Samuel Prentiss, Timothy Hubbard, Thomas Reed, Junior, Elisha P. Jewett, Dan Carpenter, John Spalding, Joseph Reed, Joshua Y. Vail, Daniel Baldwin, Araunah Waterman, Oramel H. Smith, Ezekiel P. Walton, George W. Hill, William Upham, Isaac N. Cushman, John McDuffie, David Johnson, Jacob Colamer, Ira Day, John Downer, Charles Paine, Jonathan Jenness, William Atkinson, Amplus Blake, Jedediah H. Harris, and George W. Prichard, with such other persons as shall associate with them for that purpose, are hereby constituted a body politic and corporate, by the name of The Vermont Rail-Road Company, with the exclusive right and power to construct a single, double, or treble rail-road, or way, from some eligible point on the eastern shore of Lake Champlain—thence following the valley of Onion River, and extending to such point on Connecticut River, as will most conveniently meet the rail-road, contemplated in New-Hampshire, to pass by Concord, towards Boston,—to transport, take and carry property and persons, upon the same, by the power and force of steam, of animals, or of other mechanical, or other power, or of any combination of them, which the said company may choose to employ; and by that name, they, and their successors, shall be, and they are, hereby, vested with the sole and exclusive right and privilege of constructing, erecting, building, making and using, a single, double, or treble rail-road or way, for the purposes aforesaid; and for the term of fifty years may have succession; and by their corporate name aforesaid, may sue and be sued, plead and be impleaded, in all courts of law and equity, and in all manner of actions; and that they and their successors may have a common seal, and may change and alter the same at pleasure.*

Exclusive right
of company.

Powers.

Sec. 2. *It is hereby further enacted,* That if the said corporation, hereby created, shall not, within three years from the passage of this act, complete the survey of said rail-road, or way; and shall not, within ten years from the passage of this act, construct, finish, and put in operation one-fourth part of the said rail-road, or way, and shall not, within fifteen years from the passage of this act, construct, finish, and put in operation, one-half of the said rail-road, or way, and shall not, within twenty years from the passage of this act, complete and put in operation the whole of the said rail-road, or way; or in the event of a failure by the company to construct the parts of the said road within either of the times above mentioned, then the rights, privileges and powers, of the said corporation, under this act, shall be null and void.

Act to be void if the whole or parts be not completed within certain times.

Sec. 3. *It is hereby further enacted,* That the capital stock of said company shall be one million of dollars, which shall be divided into shares of one hundred dollars each; and the said company are, hereby, authorized to increase the capital to such an amount as shall be necessary to complete said road, or ways, and to furnish the carriages to run thereon, which shall, also, be divided into additional shares of one hundred dollars each;—and the shares in said company shall be deemed personal property, and transferable in such manner as the said corporation shall, by their by-laws, direct: and when any share or shares shall be attached on mesne process, the officer serving the same shall leave with the secretary or clerk of said corporation, an attested copy of such process, with his doings thereon; and such share or shares may be taken and sold, on execution, in the same manner as is, or may be, provided for the sale of other personal estate; the purchaser causing an attested copy of the execution, and the officer's return thereon, to be left with the secretary or clerk of said corporation, within twenty days after such sale, and paying for recording the same; which shall pass to the purchaser all the right of the stockholder, for whose debt the same was sold, in such share or shares. And whenever any officer, duly authorized therefor, shall appear at the office of the secretary or clerk of said corporation, for the purpose of making an attachment of any share or shares in said corporation, owned by any debtor, or for the purpose of levying execution thereon, it shall be the duty of the secretary or clerk to produce to such officer, the books of said corporation so far as to enable such officer to ascertain the number of shares owned by the debtor,

Amount of capital stock.

Shares declar'd personal estate.

How attached.

May be sold on execution.

Right in purchase, how vested.

Officer appearing to attach or levy execution on shares, duty of cashier.

and, to give to such officer a certificate under his hand, in his official capacity, certifying the number of shares owned by such debtor, with the dividends due thereon, and the lien of the corporation on such share or shares.

Commissioners.

Duties of Commissioners.

Notice for meeting of stockholders.

Directors, how chosen.

First meeting of directors.

Annual election of directors.

SEC. 4. *It is hereby further enacted,* That John N. Pomeroy, and Luther Loomis, of Burlington; John Spalding, and Timothy Hubbard, of Montpelier; George W. Prichard, of Bradford; John Downer, of Sharon, and Amplus Blake, of Chelsea, be, and they hereby are, appointed commissioners, whose duty it shall be, within the period of one year after the passing of this act, at some suitable places in Montpelier and Burlington, and such other places as they may deem proper, to open books to receive subscriptions to the capital stock of said corporation; and not less than thirty days notice shall be given by the said commissioners, of the time and place of opening such books, by publishing the same in one or more of the public newspapers, printed in such place, or places; as the said commissioners shall think proper;—and any two of said commissioners shall constitute a board for receiving subscriptions; and each subscriber shall, at the time of subscribing, pay over to said commissioners the sum of five dollars on each share for which he may subscribe,—and each subscriber shall, thereby, become a member of said corporation; and when one thousand shares shall have been subscribed, or as soon thereafter as the commissioners shall deem proper, it shall be the duty of said commissioners to give a like notice for a meeting of the stockholders, at such time and place as the said commissioners, or a majority of them, shall appoint, to choose seven directors; and such election shall then and there be made, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy; each share of the capital stock entitling a stockholder to one vote; and the said commissioners shall be inspectors of the first election of directors of said corporation, and shall certify under their hands the names of those duly elected, and deliver over, to the said directors, the subscription books, and the sums of money deposited with them, on the shares subscribed as aforesaid: and the time and place of holding the first meeting of the directors shall be fixed by the said commissioners; and a new election shall be made, annually, at such time and place as the board of directors shall appoint, giving thirty days notice of the time and place of meeting for said purpose, by publication in the newspapers, printed in Montpelier, and such other places as they may deem proper. And the said direc-

tors shall have power to appoint one or more engineers, and to cause such examinations and surveys for the said rail-road to be made, as may be necessary to the selection by them, or a majority of them, of the most advantageous line, course, or way, for the said road from some eligible point on the eastern shore of Lake Champlain; thence following the valley of Onion river, and extending to such point on Connecticut river, as will most conveniently meet the rail-road, contemplated in New-Hampshire, to pass by Concord towards Boston, as they shall think proper. And the said directors, or a majority of them, shall, after such examinations and surveys shall be made, select, and by certificates under their, or a majority of their, hands and seals, designate the line, course, or way, which they, or a majority of them, may deem most advantageous for the said railroad through each town; one of which certificates shall be recorded in the office of the town clerk in each of the towns through which the said rail-road passes; which line, course or way, so selected and certified, shall be deemed the line, course or way on which the said corporation shall construct, erect, build or make their single, double or treble rail-road or ways, as hereinafter mentioned:—the expenses of all which surveys and examinations, and all manner of incidental expenses relating thereto, shall be paid by the said corporation.

Directors empowered to appoint engineer, and cause surveys, &c.

Directors to designate the line, &c.

SEC. 5. *It is hereby further enacted,* That the said directors, to be chosen at such meeting, or at such annual election, shall, as soon as may be, after every election, choose out of their own number, one president, and one other person to be vice president: and in case of the death, resignation, or absence of the president, the vice president shall preside, until the next annual election, thereafter; or until another president shall be chosen; and in case of the death or resignation of the president, or vice president, or of any director, such vacancy or vacancies may be filled, for the remainder of the year wherein they may happen, by the board of directors; and in case of the absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the by-laws of the said corporation may provide.

Directors shall choose president and vice president.

Vacancies how filled.

President pro tem.

SEC. 6. *It is hereby further enacted,* That in case it should, at any time, happen that an election of directors shall not be made on any day, when pursuant to this act it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved; but such elec-

Corporation not dissolved by neglect to appoint officers at time specified, &c.

tion may be held at any other time, directed by the by-laws of said corporation.

Powers and duties of directors

SEC. 7. *It is hereby further enacted,* That five directors shall form a board, and they, or a majority of them, shall be competent to transact all the business of said corporation; and they shall have full power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said corporation, the transfer of shares, and touching the duties and conduct of their officers and servants, and the election of directors, and all other matters whatsoever, which may appertain to the concerns of the said corporation; and also shall have power to appoint a secretary and treasurer, and as many clerks and servants as to them shall seem meet, and to establish and fix such salaries and allowances to them, and also, to the president and vice president, as to the said board shall appear proper. And said corporation are hereby authorized, by their agents, surveyors and engineers, to enter upon such rout, place or places, to be designated, as aforesaid by the said directors, as the line, course, road or way, whereon to construct their single, double or treble, rail-road or ways; and it shall be lawful for the said corporation to enter upon and take possession of, and use all such lands, and real estate, as may be indispensable for the construction and maintenance of their single, double or treble, rail-road or ways, and the accommodation requisite and appertaining to them; and may, also, receive, hold, and take all such voluntary grants and donations of land, and real estate, as shall be made to the said corporation, to aid in the construction, maintenance, and accommodation of the single, double, or treble rail-road or ways.

Corporation empowered to enter upon the lands, &c.

Proviso.

Lands shall be purchased at price mutually agreed upon.

Provided, That all lands or real estate thus entered and taken possession of, and used by the said corporation, and which are not donations, shall be purchased by the said corporation, and of the owner or owners of the same, at a price to be mutually agreed upon between them; and in case of a disagreement of price, and before the making of any portion of the road, upon said land, it shall be the duty of the judges of the supreme court of this state to

In case of disagreement as to price judges of supreme ct. to appoint commissioners to appraise damages.

appoint three commissioners, who shall be persons not interested in the matters to be determined by them, to determine the damages which the owner or owners of the land or real estate, so entered upon by the said corporation, may have sustained, or shall be likely to sustain, by the

occupation of the same; and upon the payment of such damages, together with the costs and charges, attending the appraisement, by the said corporation, the said commissioners being allowed three dollars each, per day, while thus employed; or, upon said corporation depositing in the bank of Montpelier, the amount of such damages, together with the costs and charges aforesaid, to the credit of the person or persons, to whom the commissioners may have awarded them, the proper officers of the said bank giving notice to such person or persons, by letter, of such deposit being made by said corporation; then the said corporation shall be deemed to be seized and possessed of all such lands or real estate as shall have been appraised by said commissioners. And it shall be the duty of said commissioners to give fifteen days notice of the time and place of such appraisements, to be given to the occupants or owners, of the land to be appraised; and after such appraisement, to deliver to the said corporation, a written statement of the award, or awards, they shall make, with a description of the land or real estate, appraised, and which shall, within sixty days, be recorded by the said corporation in the clerk's office of the town where such land or real estate may lie; and in case any owner or owners of land or real estate, taken by said company, shall be married women, infants, idiots or insane, or shall reside out of this state, then, and in such case, the said corporation shall cause the damages sustained by such owners to be determined in the manner above prescribed, and shall pay the amount of such last mentioned damages, to the said last mentioned owners, respectively, whenever the same shall be lawfully demanded, together with the interest, at the rate of six per centum per annum; which said amount and interest, shall be a specific lien on the real estate of said corporation, and shall have a preference to any other demand against said corporation.

When damages shall be deposited in bank of Montpelier corporation shall be deemed seized of lands, &c

Notice of appraisement.

Commissioners shall deliver statement of their awards to corporation which shall be recorded in 60 days in town clerk's office &c

Proceeding when owners of lands are idiots, &c.

SEC. 8. *It is hereby further enacted,* That should the corporation, or the owner of any real estate, land or materials, feel themselves aggrieved, by the decision of the commissioners aforesaid, either party may, within ninety days from the making such decision and notice thereof, or from the removal of the disabilities in the preceding section mentioned; or from the return of such non-resident to this state, appeal to the county court of the county where such lands or other property lie; and the decision of the said court shall be final and conclusive; and said court

Either party may appeal to county court.

Decision of court conclusive.

shall tax costs for or against either party, as they shall judge just and equitable.

Damage to Winooskie Turnpike, how adjusted.

Provided, And it is hereby further enacted, That to adjust and settle the damage, injury, and loss which the construction of the said corporation's rail-road through the valley of Onion river may be, or occasion, to the Winooskie Turnpike Company, the judges of the supreme court, on application, shall appoint a disinterested committee, who, after giving notice to the treasurers of both corporations of the time they will attend to the duties of their appointment, shall, on examining the charter, books, and road of said turnpike company, appraise said company's road and chartered privileges, at their actual value in cash, without reference to the cost of the same, or the privileges granted by this act, and deliver a certified statement of their appraisal, to the treasurer of said turnpike company, and also to the treasurer of said rail-road corporation, which said appraisal shall be caused to be made by said rail-road corporation, previous to the commencement of laying their rails, in any part of the valley of Onion river. And said rail-road corporation shall pay, in cash, to the several share holders, in said turnpike company, who may thereafter deliver to the treasurer of said corporation, a regular assignment of their shares to said corporation, such proportion of said appraised value of said company's property and privileges, as they may, respectively, be entitled to by the number of shares owned by each when measured by the whole number of shares in said company. And said corporation are authorized to hold said shares, so assigned, and vote on the same, by its treasurer, at all meetings of said turnpike company, or sell and assign the same at pleasure. And on compliance with this provision, said company shall be subject to no damages or liabilities to said turnpike corporation, excepting such as are hereafter provided for in the tenth section of this act.

Powers of corporation.

May determine the time, course or way, &c.

May erect toll houses.

SEC. 9. *It is hereby further enacted,* That the said corporation is hereby authorised to construct, erect, build, make and use a single, double, or treble rail-road or ways, of suitable width and dimensions, to be determined by the said corporation, on the line, course or way, designated by the directors, aforesaid, as the line, course or way, whereon to construct, erect, build and make the same, and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same; and shall have power to erect and main-

tain toll-houses, and other buildings, for the accommodation of their concerns, as they may deem suitable to their interests.

SEC. 10. *It is hereby further enacted,* That whenever it shall be necessary, for the construction of their single, double, or treble rail-road or ways, to intersect or cross any stream of water, or water courses, or any road or highway, lying betwixt the places prescribed by the first and fourth sections of this act, it shall be lawful for said corporation to construct their single, double, or treble rail-road or ways, across or upon the same, provided that the said corporation shall restore the stream or water courses, or road or highway, thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness, to the acceptance of the selectmen of the town where the same is situated, or in case of their refusal, to the acceptance of the commissioners to be appointed, agreeably to the provisions of the seventh section of this act.

Proceedings when rail-road shall cross highway or stream, &c.

Provided nevertheless, That nothing in this act contained shall be so construed as to prevent the crossing of such rail-road or ways, with teams or otherwise, in such manner as shall be calculated not to injure the same.

Proviso.

SEC. 11. *It is hereby further enacted,* That it shall be lawful for the company hereby incorporated, from time to time, to fix, regulate and receive the tolls and charges, by them to be received for transportation of property, or persons, on the single, double or treble rail-road or ways, aforesaid, hereby authorised to be constructed, erected, built, made and used.

Company may fix the rate of toll.

Provided however, That the supreme court, at any stated session, to be holden in the county of Washington, on application of any ten freeholders, in any town, or towns, through which said rail-road may pass, may alter or establish the rate or rates, of toll, and price of transportation upon said rail-road, for a term of time not exceeding ten years, at any one time, and in such manner that said corporation shall not receive less than twelve per centum per annum, on the amount of the capital stock, and all charges and expenses of said corporation.

Subject to the revision of sup. court.

SEC. 12. *It is hereby further enacted,* That the said corporation shall keep constantly exposed to view, at all places where they shall have toll houses, or gates, and at public places where they may receive passengers, or freight, a sign or hand-bill, with the rates of toll, or charge, legibly written or printed thereon.

Corporation shall keep exposed to view a sign with rates of toll, &c.

SEC. 13. *It is hereby further enacted,* That if any per-

Penalty for injuring any construction of sd. company.

son or persons, shall wilfully do, or cause to be done, any act or acts, whatever, whereby any building, construction or work of the said corporation, or any engine, machine, or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured, or destroyed, the person or persons so offending shall forfeit and pay to the said corporation, double the amount of damages sustained by means of such offence, or injury, to be recovered in the name of said corporation, with costs of suit, by action of debt; and shall also be liable to be indicted by the grand jury, in the county where the offence shall have been committed, and punished as for a misdemeanor.

SEC. 14. *It is hereby further enacted,* That it shall be lawful for the directors, or a majority of them, to require payment of the sums to be subscribed to the capital stock, at such times and in such proportions, and on such conditions, as they, or a majority of them, shall deem fit, not exceeding ten dollars at any one time on any one share, under the penalty of the forfeiture of all previous payments thereon; and shall give notice of the payments thus required, and of the place and time when the same are to be paid, at least thirty days previous to the payment of the same, in such public newspapers, printed in Montpelier, and such other places as they shall deem proper.

Office of sec'y or clerk to be kept in this state.

SEC. 15. *It is hereby further enacted,* That the office of secretary, or clerk, of said corporation, shall be kept within this state, in some town through which said rail-road may pass.

Directors authorised to remove location in certain case.

SEC. 16. *It is hereby further enacted,* That in case the said rail-road or ways, to be constructed agreeably to the provisions of this act, shall, at any time, be impaired by freshets, or any other unforeseen accident, so that it shall not be practicable to repair the same on its original location, the directors of said corporation are hereby authorized to remove the location of such parts as they shall deem proper, by complying with the provisions of this act in relation to the original location, surveys, and construction of the said rail-road, or ways, in relation thereto.

Corporation empowered to enter upon lands.

SEC. 17. *It is hereby further enacted,* That it shall be lawful for said corporation, by their agents, engineers or workmen, with carts, waggon, or other carriages, together with all necessary teams and tools, to enter upon any lands contiguous to said rail-road, or ways, or the works connected therewith, to dig for, work, and to get and carry away and use all such stone, gravel, and other materials,

as may be necessary and proper for making, constructing, erecting or repairing, said rail-road or ways, doing as little damage thereby as the nature of the case will permit; and in case damage shall be claimed by the owner, or owners, of the land entered upon as aforesaid, and for the stone, gravel, and other materials, that may be taken as aforesaid, and the owner or owners thereof and said corporation do not agree upon the sum or sums of money to be paid by said corporation, the same shall be assessed by the said commissioners, in the same way and manner as in this act is pointed out and provided; and all persons aggrieved by the decision of said commissioners, shall have an appeal as in this act is provided.

[Passed Nov. 8, 1832.]

33.—An act, to incorporate the President, Directors, and Company of the Bank of Manchester.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That the subscribers to the capital stock of the Bank established by this act, their successors and assigns, shall be, and they are, hereby constituted a corporation and body politic, by the name of the *President, Directors, and Company of the Bank of Manchester*, and shall so continue and have succession, until the first day of January, A. D. one thousand eight hundred and forty-eight, and by that name may sue and be sued, may have a common seal, and the same alter at pleasure, and shall be capable of purchasing, holding and conveying estate, real and personal, for their own use, and shall have and enjoy all the privileges incident to corporations; and the said Bank shall be established at Manchester, in the county of Bennington.

Bank of Manchester incorporated.

Limitation of grant.

Rights, powers, &c of corporation.

SEC. 2. *It is hereby further enacted,* That the capital stock of said Bank, shall be one hundred thousand dollars, and shall be divided into two thousand shares of fifty dollars each.

Am't of capital stock and number of shares.

SEC. 3. *It is hereby further enacted,* That books for receiving subscriptions for shares in said Bank, shall be opened at said Manchester within ninety days from and after the passing of this act, under the direction of Richard Skinner, Myron Clark, Milo L. Bennett, John S. Pettibone, Horatio Walker, of Manchester; and Milton Brown, of Pawlet; Nathan Burton, of Rupert; and Reuben H. Blackmer, of Dorset; or a majority of them, who are here-

Books when and where to be opened.

Commissioners

To be sworn.

Directions for deductions of excess of subscription.

Duties of commissioners.

Meeting for election of directors, by whom and how called.

Proviso.

Concerns of bank to be managed by seven directors.

by appointed commissioners for that purpose, and who shall be sworn to the faithful discharge of their duty; and said books shall continue open from ten to four o'clock, on each day, Sundays excepted, for the space of ten days, and thereafter, until the whole number of shares shall be subscribed; and the subscribers shall, at the time of subscribing, deposit with the commissioners, in gold or silver coin, five dollars, upon each share by them subscribed; and if, at the end of said ten days, the number of shares shall exceed two thousand, the excess shall be deducted from subscriptions for more than twenty shares; and if, after reducing said subscriptions to the number of twenty shares each, there shall then remain more than the number of shares limited by this act, said commissioners shall proceed to reduce each of said subscriptions, then remaining, in as equal proportions as possible, reserving entire shares, until the whole number of shares shall not exceed two thousand; and said commissioners shall deliver to the directors of said Bank, within ten days after they enter upon the duties of their office, a list of the names of all subscribers entitled to shares in said Bank, and the number of shares to which each is entitled, and the sum by each deposited with them, under their hands, or a majority of them, and also of all moneys by them received as deposits on such shares; which list the said directors shall cause to be recorded in the records of said Bank, and thereupon issue certificates to such subscribers for their shares.

SEC. 4. *It is hereby further enacted*, That it shall be the duty of said commissioners, at the expiration of said ten days, or as soon thereafter as they shall think proper, to call a meeting of the subscribers to said Bank, at such time and place as they shall think proper, by publishing a notice thereof, signed by them, or a majority of them, in the newspapers printed in Bennington county, two weeks, successively, previous to said meeting, for the purpose of electing seven directors of said Bank.

Provided, That no operations shall be commenced at said Bank, until the said number of two thousand shares shall be subscribed, and the sum of fifty thousand dollars of said capital stock paid into said Bank.

SEC. 5. *It is hereby further enacted*, That the stock, property and concerns of said Bank shall be managed and conducted by seven directors, a majority of whom shall constitute a quorum for the transaction of business; who shall be stockholders in said Bank, and inhabitants of this state; and shall hold their offices until the second Tuesday of January next succeeding their appointment; and until

their successors are appointed and qualified; and shall be elected on the second Tuesday of January, annually, after the first election, as aforesaid, at such time of day and place, at said Manchester, as a majority of the directors, for the time being, shall direct; public notice whereof shall be given, not less than thirty days previous to such election; and that all such elections shall be made by ballot, by the stockholders of said Bank, who shall be present, personally, or by proxy; and the seven persons who shall have the greatest number of votes, at any such election, shall be directors. And if it shall so happen, that any two or more persons shall have an equal number of votes, in such manner that a greater number than seven shall, by a plurality of votes appear to be elected, the stockholders shall proceed to ballot a second time, and, by a plurality of votes, determine which of said persons, so having an equal number of votes, shall be director or directors, and in like manner proceed, until seven directors are elected. And in case any vacancy or vacancies, in the board of directors shall, at any time, happen, by death, resignation, or removal, the same shall be filled from among the stockholders of said Bank, by a major vote of the remaining directors.

Notice of election to be given.

Elections how made.

Vacancies how filled.

SEC. 6. *It is hereby further enacted,* That in case it should so happen that an election of directors should not be made, on the day in this act prescribed for that purpose, the said corporation shall not, for that cause, be dissolved, but that it shall be lawful on any other day, to hold and make an election of directors in such manner, as shall have been directed by the by-laws of such corporation.

Directors may be elected on day other than that prescribed.

SEC. 7. *And it is hereby further enacted,* That the directors of said Bank shall have power to appoint one of their number President of said Bank; and also to appoint all other officers and servants, necessary for the management of the concerns of said corporation; and to fix the allowance for the compensation of said officers and servants; and to make and prescribe such by-laws, rules and regulations, as to them shall appear necessary and proper, not repugnant to the constitution or laws of this State, relating to the management and disposition of the stock, property, estate and effects of said corporation, and to the duties and conduct of the officers, clerks and servants employed by said corporation, and to the election of directors, and to all other matters appertaining to the business of said Bank.

Directors to appoint president and other officers, and enact by-laws.

SEC. 8. *It is hereby further enacted,* That the directors

Limitations of debts which may be contracted by bank of said Bank shall not, at any time, contract debts to a greater amount than the deposits, in specie, in said Bank, and three times the amount of the capital stock then paid, in specie, into said Bank, and, in case of excess, the directors, under whose administration it shall have happened, shall, in case of loss, be liable for the same, in their private and natural capacities; but this shall not be construed to exempt the said corporation from being liable for such excess.

Directors liable in private capacity in certain case.

Provided nevertheless, That such of the directors as may have been absent when such excess was contracted, or may have dissented from the resolution or act, whereby the same was so contracted, may exonerate themselves from being liable, as aforesaid, by giving immediate notice of the fact, and of their absence or dissent to the Governor of this state.

Individual directors exonerated in certain case.

SEC. 9. *It is hereby further enacted,* That the shares in said Bank shall be transferable, in such manner as shall be prescribed by the by-laws of said corporation.

Shares transferable.

Provided, That no transfer shall be valid until the same shall be recorded in a book to be kept by the directors, in said Bank, for that purpose, and unless the person making the same shall have previously discharged all the debts due from him, or her, to said corporation.

Transfers regulated.

SEC. 10. *It is hereby further enacted,* That the real estate which it shall be lawful for said corporation to hold, shall be only such as shall be requisite for its accommodation in relation to its business and dealings, as a banking company; or such as shall have been mortgaged to it, by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or set off on execution, in satisfaction of debts due said corporation.

Holding real estate restricted.

Dealing in goods, &c. prohibited.

SEC. 11. *It is hereby further enacted,* That said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, or merchandize, or commodities whatever.

Directors to order payment of assessments on shares.

SEC. 12. *It is hereby further enacted,* That it shall be lawful for the directors, for the time being, to order and determine at what time, or times, and in what proportions, the sums unpaid on said shares, or any part of the same, shall be paid into said Bank, and that they shall give notice thereof to the stockholders, by publishing their order in the newspapers printed in Bennington county, three weeks successively, the last of which shall be, at least, thirty days before such day of payment; and if any stockholder

And give notice thereof.

shall neglect to make payment on any share, agreeable to such order, such share, and all moneys previously paid thereon, and all dividends accruing, or due thereon, shall be forfeited to the use of such corporation. Shares forfeited on non-payment of assessments.

SEC. 13. *It is hereby further enacted,* That it shall be the duty of the directors to make half yearly dividends of so much of the profits of said Bank as they shall think proper. Directors to make semi-annual dividends.

SEC. 14. *It is hereby further enacted,* That the said corporation shall not demand any greater interest, on any loan or discount, that at the rate of six per centum per annum. Rate of interest limited.

SEC. 15. *It is hereby further enacted,* That each stockholder shall be entitled to a number of votes, proportioned to the number of shares, which he or she shall have held in his or her own name, at least three months, next before the time of voting, according to the following rates, that is to say ; one vote for each share not exceeding four; five votes for six shares; six votes for eight shares; seven votes for ten shares; and one vote for every five shares above ten. Number of votes to which stockholders are entitled.

Provided, No stockholder shall be entitled to more than twenty votes.

SEC. 16. *It is hereby further enacted,* That the shares of said corporation shall be personal estate, to all intents and purposes; and when any share or shares shall be attached on mesne process, the officer serving the same shall leave with the cashier of said Bank, an attested copy of such process, with his doing thereon; and such share or shares may be taken and sold, on execution, in the same manner as is, or may be provided for the sale of other personal estate; the purchaser causing an attested copy of the execution, and the officer's return thereon, to be left with the cashier of said Bank, within twelve days after such sale, and paying for the recording the same; which shall pass to the purchaser all the right of the stockholder, for whose debt the same was sold, in such share or shares. Shares declared personal estate. How attached. May be sold on execution. Right in purchaser how vested. And whenever any officer, duly authorized therefor, shall appear at said Bank, for the purpose of making an attachment of any share or shares in said corporation, owned by any debtor, or for the purpose of levying execution thereon, it shall be the duty of the cashier to produce to such officer, the books of said corporation, so far as to enable such officer to ascertain the number of shares owned by the debtor, and to give such officer a certificate under his hand, in his official capacity, certifying the number of Officer appearing to attach or levy execution on shares, duty of cashier.

shares owned by such debtor, with the dividends due thereon, and the lien of the corporation on such share or shares.

Bills and notes of bank to be received on all demands in favor of bank.

SEC. 17. *It is hereby further enacted,* That the bills and notes of said Bank shall, at all times, be received by said Bank, on all judgments, executions or demands, of any nature whatsoever, originally due or owing to said Bank, or which may be their property at the time of payment; and all bills and notes shall be made payable at said Bank at Manchester.

Proviso.

Provided, That no note, originally due, or payable to said corporation, shall be endorsed, so as to enable the endorsee, or endorsees, to maintain an action thereon, in his or their own name.

Loan to be made to the state if required.

SEC. 18. *It is hereby further enacted,* That within one year after the passing of this act, and at any time thereafter, whenever requested by the legislature, if the same can be done without violating the provisions of the eighth section of this act, the said corporation shall loan to this state, any sum or sums of money, so that not exceeding ten thousand dollars be, at any one time, due from said state to said Bank; to be repaid by five annual instalments, or sooner, at the election of the state, with annual interest.

Legislature shall appoint a committee to examine into doings of bank.

SEC. 19. *It is hereby further enacted,* That the legislature of this state, shall, at each session, appoint a committee, who shall be under oath for the faithful discharge of their duty as such, who shall not be stockholders in said Bank, whose duty it shall be, to examine into the doings of said corporation, and shall have free access to their books, papers and vaults, and the power to enquire of the cashier, or any other officer of said Bank, under oath, relative to all the concerns of said Bank, and make report of their doings to the legislature; and if such committee shall consider that the corporation have exceeded their powers, herein granted to them, or have failed to comply with the conditions of this act, they shall have power, and it is hereby made their duty, to direct the state's attorney for the county of Bennington, or such other person, as they shall appoint, to file an information against said corporation, before the supreme court of judicature, in and for the county of Bennington; which shall be served on one or more of the directors of said Bank, at least twelve days before the sitting of the court to which the same shall be returnable; and if, upon trial of said cause, it shall be found that said corporation have exceeded the powers herein granted to them, or have failed to comply with the conditions of this act, said court is, in its discretion, hereby empowered, to declare said charter vacated.

Duty of committee to cause information to be filed against bank, in certain case.

Sup. court may declare charter vacated.

Provided always, That the persons, composing such committee, shall, previous to such examination, make oath that they will never, thereafter, divulge the name of any individual debtor to said Bank, unless thereunto required, in a court of justice, in due course of law.

Committee to make oath not to divulge names of Bank debtors.

SEC. 20. *It is hereby further enacted,* That said corporation shall not, at any time, suspend or refuse payment, in gold or silver coin, of any of its notes, bills or obligations; nor of any moneys received as general deposits in said Bank; and if said corporation shall neglect or refuse to pay, on demand, any such bill, note or obligation, or deposit, to the person, or persons, entitled to receive the same, such person, or persons, shall be entitled to receive and recover interest on such note, bill, obligation or deposit, until the same shall be paid or satisfied, at the rate of twelve per cent. per annum, from the time of such demand.

Corporation not to suspend or refuse specie payments.

Provided also, That the legislature may, at any time hereafter, enact laws enforcing and regulating the recovery of the notes, bills, obligations and other debts, of which payment shall have been refused, as aforesaid, with the rate of interest above-mentioned.

Legislature may enact laws enforcing recovery against Bank.

Provided also, That the supreme court shall have the power of declaring the charter of said Bank vacated, in the manner provided in the nineteenth section of this act, for the non-payment of the notes of said corporation.

Sup. court may vacate charter for suspension of specie payments.

SEC. 21. *It is hereby further enacted,* That each and every of the directors of said Bank shall, before he enters upon the duties of his office, give bond to the treasurer of this state, in the sum of eight thousand dollars, with good and sufficient surety, or sureties, to the satisfaction of said treasurer, conditioned for the faithful discharge of the duties of his office, agreeably to the regulations, requirements, and restrictions of this act; and on the complaint of any person, who has been injured by the misconduct of any director, it shall be the duty of said treasurer to cause said bond to be put in suit, on receiving security to indemnify the state against cost, and to certify to the court, who is the prosecutor in such cause; and said court may, on motion of the defendants in said cause, order the prosecutor to find sureties to indemnify the defendants for their costs, should he fail to prosecute or recover thereon; and if the defendants shall plead performance of the conditions of said bond, the prosecutor may reply as many breaches, respecting his interest, as he shall think fit; and the jury, on the trial of such issues as shall be put to them, shall assess damages for such breaches, as the prosecutor shall prove,

Directors to give bonds.

Condition of bond.

Bonds may be prosecuted on complaint.

To plea of performance prosecutor may reply breaches & judgment to be entered for penalty.

Judgment shall remain as surety to others injured.

and the court shall enter up judgment for the whole penalty of the bond, and issue execution in favor of the prosecutor; for such sum as the jury shall have found for damages and the costs, and the judgment shall remain for the benefit of such person, or persons, as may, by a *scire facias* thereon, shew that they have been injured by any breaches of the condition of said bond; and if the prosecutor shall fail to recover in such suit, the court shall award costs to the defendants, and thereof issue execution against such prosecutor.

This act declared a public act.

SEC. 22. *It is hereby further enacted*, That this act be, and hereby is, declared to be a public act; and that the same be, for the time herein before limited, construed in all courts and places, benignly, and favorably for every beneficial purpose therein mentioned.

Bank to be in operation in one year.

SEC. 23. *It is hereby further enacted*, That the said corporation shall take no benefit by this act, and that the same shall be wholly void, unless the said Bank shall commence and be in operation, agreeably to the provisions of this act, within one year after the passing of the same.

Corporation to pay into treasury 10 per cent on stock owned within this state.

SEC. 24. *It is hereby further enacted*, That the said corporation shall, semi-annually, at the time at which the directors of said Bank shall declare the dividends of the profits of said Bank, pay into the treasury of this state; for the use and benefit of this state, ten per centum of the profits of said Bank; whether all the profits shall have been divided or not, on all stock owned within this state; and twelve per centum of said profits on stock owned without this state.

And 12 per ct. on stock owned without this state.

Commissioners and committee to receive compensation of corporation.

SEC. 25. *It is hereby further enacted*, That the commissioners appointed agreeably to the provisions of the third section, and the committee appointed agreeably to the provisions of the nineteenth section of this act, shall, severally, have a right to demand and receive of said corporation, a remuneration for all services by them performed, agreeably to the requirements of this act.

Inhabitants of this state to be preferred in subscription for shares.

SEC. 26. *It is hereby further enacted*, That in case there shall be more than two thousand shares subscribed to said Bank, the commissioners for receiving such subscriptions shall, in deducting the excess, give a preference to the inhabitants of this state, so that they may hold the whole of said stock; and in case it shall appear to the satisfaction of said commissioners, that any subscriber shall have subscribed for stock in the name of any other person, or persons, or shall have procured subscriptions to be made in the name of any other person, or persons, for his, or her,

benefit, it shall be in the power of said commissioners to deduct the whole, or any part of said shares, so subscribed as aforesaid.

SEC. 27. *It is hereby further enacted,* That one-tenth part of said stock shall be sold conditionally, namely: that at any time, during the operation of this act, it may, and shall be, lawful for the state of Vermont to take of the capital stock of said Bank, one-tenth part of said stock, by said state's paying said stockholders, at said Bank, the amount then paid into the capital stock, and it shall be the duty of the president, directors and company of said Bank, on such payment, forthwith to transfer to the state of Vermont, one tenth part of said capital stock. One tenth part of stock may at any time be taken by state.

[Passed Nov. 7, 1832.]

34.—An act, to incorporate the President, Directors, and Company of the Bank of Orleans.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That the subscribers to the capital stock of the Bank, established by this act, their successors and assigns, shall be, and they are hereby, constituted a corporation and body politic, by the name of the *President, Directors and Company of the Bank of Orleans,* and shall so continue and have succession, until the first day of January, one thousand eight hundred and forty-eight, and by that name may sue and be sued, may have a common seal, and the same alter at pleasure, and shall be capable of purchasing, holding and conveying estate, real and personal, for their own use, and shall have and enjoy all the powers and privileges incident to corporations; and the said Bank shall be established at Irasburgh, in the county of Orleans. Bank of Orleans incorporated.
Limitation of grant.
Rights, powers, &c. of corporation.

SEC. 2. *It is hereby further enacted,* That the capital stock of said Bank shall be sixty thousand dollars, and shall be divided into twelve hundred shares of fifty dollars each. Am't of capital stock and number of shares.

SEC. 3. *It is hereby further enacted,* That books for receiving subscriptions for shares in said Bank, shall be opened at said Irasburgh, ninety days from and after the passing of this act, under the direction of Samuel C. Crafts, David M. Camp, Breed Noyes, Harry Baxter, Portus Baxter, Elijah Cleaveland, and Ira H. Allen, or a majority Books when and where to be opened.
Commissioners

Directions for deduction of excess of subscription.

Duties of commissioners.

Meeting for election of directors, by whom & how called.

Proviso.

Concerns of Bank to be managed by 5 directors.

of them, who are hereby appointed commissioners for that purpose, and said books shall continue open from ten to four o'clock, on each day, Sundays excepted, for the space of ten days, and thereafter, until the whole number of shares shall be subscribed; and the subscribers shall, at the time of subscribing, deposit with the commissioners, in gold or silver coin, ten dollars, upon each share by them respectively subscribed; and if, at the end of said ten days, the number of shares shall exceed twelve hundred, the excess shall be deducted from subscriptions for more than twenty shares; and if, after reducing said subscriptions to the number of twenty shares each, there shall then remain more than the number of shares limited by this act, said commissioners shall proceed to reduce each of said subscriptions, exceeding three shares, then remaining, in equal proportions as possible, reserving entire shares, until the whole number of shares shall not exceed twelve hundred; and said commissioners shall deliver to the directors of said Bank, within ten days after they enter upon the duties of their office, a list of the names of all subscribers entitled to shares in said Bank, and the number of shares to which each is entitled, and the sum by each deposited with them, under their hands, or a majority of them, and also all moneys by them received as deposits on such shares; which list the said directors shall cause to be recorded in the records of said Bank, and thereupon issue certificates to such subscribers for their shares.

SEC. 4. *It is hereby further enacted*, That it shall be the duty of said commissioners, at the expiration of said ten days, or as soon thereafter as they shall think proper, to call a meeting of the subscribers to said Bank, at such time and place as they shall think proper, by publishing a notice thereof, signed by them, or a majority of them, in a newspaper printed at Danville, two weeks successively, previous to said meeting, for the purpose of electing five directors of said Bank.

Provided, That no operations shall be commenced at said Bank, until the said number of twelve hundred shares be subscribed, and the sum of thirty thousand dollars of the capital stock paid into said Bank.

SEC. 5. *It is hereby further enacted*, That the stock; property and concerns of said Bank shall be managed and conducted by five directors, a majority of whom shall constitute a quorum for the transaction of business; who shall be stockholders in said Bank, and inhabitants of this state; and shall hold their offices until the second Tuesday of

January next succeeding their appointment, and until their successors are appointed and qualified; and shall be elected on the second Tuesday of January, annually, after the first election, as aforesaid, at such time of the day and place, in said Irasburgh, as a majority of the directors, for the time being, shall direct; public notice whereof shall be given, not less than thirty days previous to such election; and all such elections shall be made by ballot by the stockholders of said Bank, who shall be present, personally, or by proxy; and the five persons who shall have the greatest number of votes, at any such election, shall be the directors. And if it shall so happen, that any two or more persons shall have an equal number of votes, in such a manner that a greater number than five shall, by a plurality of votes appear to be elected, said stockholders shall proceed to ballot a second time, and, by a plurality of votes, determine which of said persons, so having an equal number of votes, shall be director or directors, and in like manner proceed, until five directors are elected. And in case any vacancy or vacancies, in the board of directors shall, at any time, happen, by death, resignation, or removal, the same shall be filled from among the stockholders of said Bank, by a major vote of the remaining directors.

Directors when to be elected.

Notice of election to be given.

Elections, how made.

Vacancies, how filled.

SEC. 6. *It is hereby further enacted,* That in case it shall so happen that an election of directors shall not be made, on the day in this act prescribed for that purpose, the said corporation shall not, for that cause, be dissolved, but that it shall be lawful, on any other day, to hold and make an election of directors, in such manner as shall have been directed by the by-laws of said corporation.

Directors may be elected on day other than that prescribed.

SEC. 7. *It is hereby further enacted,* That the directors of said Bank shall have power to appoint one of their number President of said Bank; and also to appoint all other officers and servants, necessary for the management of the concerns of said corporation; and to fix the allowance for the compensation of said officers and servants; and to make and prescribe such by-laws, rules and regulations, as to them shall appear necessary and proper, not repugnant to the constitution and laws of this state, relating to the management and disposition of the stock, property, estate and effects of said corporation, and to the duties and conduct of the officers, clerks and servants employed by said corporation, and to the election of directors, and to all other matters appertaining to the business of said Bank.

Directors to appoint president and other officers, and enact by-laws.

Limitation of debts which may be contracted by Bank.

Directors liable in private capacity in certain cases.

Individual directors exonerated in certain case.

Shares transferable.

Transfer regulated.

Holding real estate restricted.

Dealing in goods, &c. prohibited.

Directors to order payment of assessments on shares.

And give notice thereof.

SEC. 8. *It is hereby further enacted,* That the directors of said Bank shall not, at any time, contract debts to a greater amount than the deposits, in specie, in said Bank, and three times the amount of the capital stock then paid, in specie, into said Bank, and, in case of excess, the directors, under whose administration it shall have happened, shall, in case of loss, be liable for the same in their private and natural capacities; but this shall not be construed to exempt said corporation from being liable for said excess.

Provided nevertheless, That such of the directors as may have been absent when such excess was contracted, may exonerate themselves from being liable, as aforesaid, by giving immediate notice of the fact, and of their absence or dissent to the Governor of the state.

SEC. 9. *It is hereby further enacted,* That the shares in said Bank shall be transferable, in such manner as shall be prescribed by the bye-laws of said corporation.

Provided, That no transfer shall be valid, until the same shall be recorded in a book to be kept by the directors of said Bank, for that purpose, and unless the person making the same shall have previously discharged all the debts due from him, or her, to said corporation.

SEC. 10. *It is hereby further enacted,* That the real estate, which it shall be lawful for said corporation to hold, shall be only such as shall be requisite for its accommodation in relation to its business and dealings, as a banking company; or such as shall have been mortgaged to it, by way of security, or conveyed to it in satisfaction for debts previously contracted in the course of its dealings, or set off on execution, in satisfaction of debts due said corporation.

SEC. 11. *It is hereby further enacted,* That said corporation shall not, directly or indirectly, deal or trade in any goods, wares, or merchandize, or commodities whatever.

SEC. 12. *It is hereby further enacted,* That it shall be lawful for the directors, for the time being, to order and determine at what time, or times, and in what proportions, the sums unpaid on said shares, or any part of the same, shall be paid into said Bank, and that they shall give notice thereof to the stockholders, by publishing their order in a newspaper printed at Danville, three weeks successively, the last of which shall be at least thirty days before such day of payment; and if any stockholder shall neglect to make payment on any share, agreeably to such order, such share, and all money previously paid thereon,

and all dividends accruing, or due thereon, shall be forfeited to said corporation.

SEC. 13. *It is hereby further enacted,* That it shall be the duty of the directors to make half yearly dividends of so much of the profits of said Bank as they shall think proper. Directors to make semi-annual dividends.

SEC. 14. *It is hereby further enacted,* That the said corporation shall not demand any greater interest, on any loan or discount, than at the rate of six per centum per annum. Rate of interest limited.

SEC. 15. *It is hereby further enacted,* That each stockholder shall be entitled to a number of votes, proportioned to the number of shares which he or she shall have held in his or her name, at least three months, next before the time of voting, according to the following rates, that is to say: one vote for each share not exceeding four; five votes for six shares; six votes for eight shares; seven votes for ten shares; and one vote for every five shares above ten. Number of votes to which stockholders are entitled.

Provided, No stockholder shall be entitled to more than twenty votes. Proviso.

SEC. 16. *It is hereby further enacted,* That the shares in said corporation shall be personal estate, to all intents and purposes; and when any share or shares shall be attached on mesne process, the officer serving the same shall leave with the cashier of said Bank, an attested copy of such process, with his doings thereon: and such share, or shares may be taken and sold on execution, in the same manner as is, or may be, provided for sale of other personal estate; the purchaser causing an attested copy of such execution, and the officer's return thereon, to be left with the cashier of said Bank, within twelve days after such sale, and paying for recording the same, which shall pass to the purchaser all the right of the stockholder, for whose debt the same was sold, in such share or shares. Shares declared personal estate. How attached. May be sold on execution. Right in purchaser, how vested. And whenever any officer, duly authorized therefor, shall appear at said Bank, for the purpose of making an attachment of any share or shares in said corporation, owned by any debtor, or for the purpose of levying execution thereon, it shall be the duty of the cashier to produce to such officer, the books of said corporation so far as to enable such officer to ascertain the number of shares owned by the debtor, and, to give such officer a certificate under his hand, in his official capacity, certifying the number of shares owned by such debtor, with the dividends due thereon, and the lien of the corporation on such share or shares. Officer appearing to attach or levy execution on shares, duty of cashier.

Bills and notes
of Bank to be
receiv'd on all
demands in fa-
vor of Bank.

SEC. 17. *It is hereby further enacted,* That the bills and notes of said Bank shall, at all times, be received by said Bank, on all judgments, executions or demands, of any nature whatever, originally due or owing to the said Bank, or which may be their property at the time of payment; and all bills and notes shall be made payable at the said Bank in Irasburgh.

Proviso.

Provided, That no note, originally due, or payable to the said corporation, shall be endorsed, so as to enable the endorsee, or endorsees, to maintain an action thereon, in his, or their, own name.

Loan to be
made to the
state, if requi-
red.

SEC. 18. *It is hereby further enacted,* That within one year after the passing of this act, and at any time thereafter, whenever requested by the legislature, if the same can be done without violating the provisions of the eighth section of this act, the said corporation shall loan to this state, any sum or sums of money, so that not exceeding five thousand dollars be, at any one time, due from said state to said Bank; to be repaid by five annual instalments, or sooner, at the election of the state, with annual interest.

Legislature
shall appoint
committee to
examine into
doings of Bank.

SEC. 19. *It is hereby further enacted,* That the legislature of this state, shall, at each session, appoint a committee, who shall not be stockholders in said Bank, whose duty it shall be, to examine into the doings of said corporation, and shall have free access to their books, papers and vaults, and power to enquire of the cashier, or any other officer of said Bank, under oath, relative to all the concerns of said Bank, and make report of their doings to the legislature; and if said committee shall consider that said corporation have exceeded their powers, herein granted to them, or have failed to comply with the conditions of this act, they shall have power to direct the state's attorney for the county of Orleans, or such other person as they shall appoint, to file an information against said corporation, before the supreme court of judicature, in and for the county of Orleans; which shall be served on one or more of the directors of said Bank, at least twelve days before the sitting of the court to which the same shall be made returnable; and if, upon trial of said cause, it shall be found that said corporation have exceeded the powers herein granted to them, or have failed to comply with the conditions of this act, said court is, in its discretion, hereby empowered, to declare said charter vacated.

Duty of com-
mittee to cause
information to
be filed against
Bank, in cer-
tain case.

Sup. court may
declare charter
vacated.

Provided always, That the persons, composing such committee, shall, previous to such examination, make oath that they will never, thereafter, divulge the name of any individual debtor to said Bank, unless thereunto required, in a court of justice, in due course of law.

Committee to make oath not to divulge names of Bank debtors.

SEC. 20. *It is hereby further enacted,* That said corporation shall not, at any time, suspend or refuse payment, in gold or silver coin, of any of its notes, bills or obligations; nor of any moneys received as general deposits in said Bank; and if said corporation shall neglect or refuse to pay, on demand, any such bill, note or obligation, or deposit, to the person, or persons, entitled to receive the same, such person or persons shall be entitled to receive and recover interest on such note, bill, obligation or deposit, until the same shall be paid or satisfied, at the rate of twelve per centum per annum, from the time of such demand.

Corporation not to suspend or refuse specie payments.

Provided also, That the legislature may, at any time hereafter, enact laws enforcing and regulating the recovery of the notes, bills, obligations and other debts, of which payment shall have been refused, as aforesaid, with the rate of interest above mentioned.

Legislature may enact laws enforcing recovery against Bank.

Provided, That the supreme court shall have the power of declaring the charter of said Bank vacated, in the manner provided in the nineteenth section of this act, for the non-payment, in specie, of the notes of said corporation.

Sup. court may vacate charter for suspension of specie payments.

SEC. 21. *It is hereby further enacted,* That each and every of the directors of said Bank, before he enters upon the duties of his office, shall give bond to the treasurer of this state, in the sum of five thousand dollars, with good and sufficient surety, or sureties, to the satisfaction of said treasurer, conditioned for the faithful discharge of the duties of his office, agreeably to the regulations, requirements, and restrictions of this act; and on the complaint of any person, who has been injured by the misconduct of any director, it shall be the duty of said treasurer to cause said bond to be put in suit, on receiving security to indemnify the state against costs, and to certify to the court, who is prosecutor in such cause; and said court may, on motion of the defendants in said cause, order the prosecutor to find sureties to indemnify the defendants for their costs, should he fail to prosecute or recover thereon; and if the defendants shall plead performance of the conditions of said bond, the prosecutor may reply as many breaches, respecting his interest, as he shall think fit, and the jury, on the trial of such issues as shall be put to them, shall assess damages

Directors to give bonds.

Condition of bond.

Bonds may be prosecuted on complaint.

To plea of performance prosecutor may reply breaches, and judgment to be entered for penalty.

Judgm't shall remain as surety to others injured.

for such breaches, as the prosecutor shall prove, and the court shall enter up judgment for the whole penalty of the bond, and issue execution in favor of the prosecutor, for such sum as the jury shall have found for damages and the costs, and the judgment shall remain for the benefit of such person, or persons, as may, by a *scire facias* thereon, shew that they have been injured by any breaches of the condition of said bond; and if the prosecutor shall fail to recover in such suit, the court shall award costs to the defendants, and thereof issue execution against such prosecutor.

This act declared a public act.

SEC. 22. *It is hereby further enacted*, That this act be, and hereby is, declared a public act; and that the same be, for the time herein before limited, construed in all courts and places, benignly, and favorably for every beneficial purpose therein mentioned.

Bank to be in operation in one year.

SEC. 23. *It is hereby further enacted*, That the said corporation shall take no benefit by this act, and that the same shall be wholly void, unless the said Bank shall commence and be in operation, agreeably to the provisions of this act, within one year after the passing of the same.

Corporation to pay into treasury 10 per ct. on stock owned within this state.

SEC. 24. *It is hereby further enacted*, That the said corporation shall, semi-annually, at the time at which the directors of said Bank shall declare dividends of the profits of said Bank, pay into the treasury of this state, for the use and benefit of this state, ten per centum of the profits of said Bank, whether divided or not, on all stock owned within this state; and twelve per centum of said profits on stock owned without this state.

And 12 per ct. on stock owned without this state.

One-tenth part of stock may at any time be taken by state.

SEC. 25. *It is hereby further enacted*, That one-tenth part of said stock shall be held conditionally, viz: that at any time, during the operation of this act, it may, and shall be lawful, for the state of Vermont to take of the capital stock of said Bank, one-tenth part of said stock, by said state's paying said stockholders, at said Bank, the amount then paid into the capital stock; and it shall be the duty of the president, directors and company of said Bank, on such payment, forthwith to transfer to the state of Vermont, one-tenth part of said capital stock.

Commissioners and committee to receive compensation of corporation.

SEC. 26. *It is hereby further enacted*, That the commissioners appointed agreeably to the provisions of the third section, and the committee appointed agreeably to the provisions of the nineteenth section of this act, shall, severally, have a right to demand and receive of said corporation, a remuneration for all services by them performed, agreeably to the requirements of this act.

SEC. 27. *It is hereby further enacted,* That in case there shall be more than twelve hundred shares subscribed to said Bank, the commissioners for receiving such subscriptions shall, in deducting the excess, give a preference to the inhabitants of this state, so that they may hold the whole of said stock; and in case it shall appear to the satisfaction of said commissioners, that any subscriber shall have subscribed for stock in the name of any other person, or persons, or shall have procured subscriptions to be made in the name of any other person, or persons, for his, or her, benefit, it shall be in the power of said commissioners to deduct the whole, or any part of said shares, so subscribed as aforesaid.

Inhabitants of this state to be preferred in subscription for shares.

[Passed Nov. 8, 1832.]

35.—An act, to incorporate the President, Directors, and Company of the Bank of Newbury.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That the subscribers to the capital stock of the Bank established by this act, their successors and assigns, shall be, and they are, hereby constituted a corporation and body politic, by the name of the *President, Directors, and Company of the Bank of Newbury*, and shall so continue and have succession, until the first day of January, one thousand eight hundred and forty-eight, and by that name may sue and be sued, may have a common seal, and the same alter at pleasure, and shall be capable of purchasing, holding and conveying estate, real and personal, for their own use, and shall have and enjoy all the powers and privileges incident to corporations; and the said Bank shall be established at such place in the town of Newbury, as the corporation by their vote shall direct.

Bank of Newbury incorporated.

Limitation of grant.

Rights, powers, &c. of corporation.

SEC. 2. *It is hereby further enacted,* That the capital stock of said Bank, shall be one hundred thousand dollars, and shall be divided into two thousand shares of fifty dollars each.

Amount of capital stock, and number of shares.

SEC. 3. *It is hereby further enacted,* That books for receiving subscriptions for shares in said Bank, shall be opened at said Newbury, ninety days from and after the passing of this act, under the direction of William Atkinson, Peter Burbank, Timothy Morse, of Newbu-

Books, when and where to be opened.

Commissioners.

To be sworn.

Directions for deduction of excess of subscription.

Duties of commissioners.

Meeting for election of directors, by whom and how called.

Proviso.

Concerns of Bank to be managed by 7 directors.

ry; William Barron, and Asa Low, of Bradford; Jonathan Jenness, and James Petrie, of Topsham; Daniel Cook, of Corinth; and Jesse Stoddard, of Fairlee; or a majority of them, who are hereby appointed commissioners for that purpose, and who shall be sworn to the faithful discharge of their duty; which books shall continue open for ten days, from ten to four o'clock, on each day, Sundays excepted, and thereafter, until the whole number of shares shall be subscribed; and the subscribers shall, at the time of subscribing, deposit with the commissioners, in gold and silver coin, five dollars, upon each share by them respectively subscribed; and if, at the end of said ten days, the number of shares shall exceed two thousand, the excess shall be deducted from the subscriptions for more than twenty shares; and if, after reducing said subscriptions to the number of twenty shares each, there shall then remain more than the number of shares limited by this act, said commissioners shall proceed to reduce each of said subscriptions, then remaining, in as equal proportions as possible, reserving entire shares, until the whole number of shares shall not exceed two thousand; and said commissioners shall deliver to the directors of said Bank, within ten days after they enter upon the duties of their office, a list of the names of all the subscribers entitled to shares in said Bank, and the number of shares to which each is entitled, and the sum by each deposited with them, under their hands, or a majority of them, and also of all moneys by them received as deposits on such shares; which list the said directors shall cause to be recorded in the records of said Bank, and thereupon issue certificates to such subscribers for their shares.

SEC. 4. *It is hereby further enacted*, That it shall be the duty of said commissioners, at the expiration of said ten days, or as soon thereafter as they shall think proper, to call a meeting of the subscribers to said Bank, at such time and place as they shall think proper, by publishing a notice thereof, signed by them, or a majority of them, in the newspaper printed at Chelsea, two weeks, successively, previous to said meeting, for the purpose of electing seven directors of said Bank.

Provided, That no operations shall be commenced at said Bank, until the said number of two thousand shares be subscribed, and the sum of fifty thousand dollars of the capital stock paid into said Bank.

SEC. 5. *It is hereby further enacted*, That the stock, property and concerns of said Bank shall be managed and conducted by seven directors, a majority of whom shall con-

stitute a quorum for the transaction of business; who shall be stockholders in said Bank, and inhabitants of this state; and shall hold their offices until the second Tuesday of January next succeeding their appointment; and until their successors are appointed and qualified; and shall be elected on the second Tuesday of January, annually, after the first election, as aforesaid, at such time of the day and place, in said Newbury, as a majority of the directors, for the time being, shall direct; public notice whereof shall be given, not less than thirty days previous to such election; and that all such elections shall be made by ballot, by the stockholders of said Bank, who shall be present, personally, or by proxy; and the seven persons who shall have the greatest number of votes, at any such election, shall be directors. And if it shall so happen, that any two or more persons shall have an equal number of votes, in such manner that a greater number than seven shall, by plurality of votes, appear to be elected, the said stockholders shall proceed to ballot a second time, and, by plurality of votes, determine which of said persons, so having an equal number of votes, shall be director or directors, and in like manner proceed, until seven directors are chosen. And in case any vacancy or vacancies, in the board of directors shall, at any time, happen, by death, resignation, or removal, the same shall be filled from among the stockholders of said Bank, by a major vote of the directors.

Directors when to be elected.

Notice of election to be given.

Elections, how made.

Vacancies, how filled.

SEC. 6. *It is hereby further enacted,* That in case it should so happen that an election of directors should not be made, on the day in this act prescribed for that purpose, the said corporation shall not, for that cause, be dissolved, but that it shall be lawful on any other day, to hold and make an election of directors in such manner, as shall have been directed by the by-laws of said corporation.

Directors may be elected on day other than that prescribed.

SEC. 7. *It is hereby further enacted,* That the directors of said Bank shall have power to elect one of their number President of said Bank; and also to appoint all other officers and servants, necessary for the management of the concerns of said corporation; and to fix the allowance for the compensation of said officers and servants; and to make and prescribe such by-laws, rules and regulations, as to them shall appear necessary and proper, not repugnant to the constitution and laws of this State, relating to the management and disposition of the stock, property, estate and effects of said corporation, and to the duties and conduct of the officers, clerks and servants employed by said corporation, and to the election of directors, and to all other matters appertaining to the business of said Bank.

Directors to appoint president and other officers, and enact by-laws.

Limitation of debts which may be contracted by Bank.

Directors liable in private capacity in certain cases.

Individual directors exonerated in certain case.

Shares transferable.

Transfer regulated.

Holding real estate restricted.

Dealing in goods, &c. prohibited

Directors to order payment of assessments on shares.

And give notice thereof.

Shares forfeited on non-payment of assessment.

SEC. 8. *It is hereby further enacted,* That the directors of said Bank shall not, at any time, contract debts to a greater amount than the deposits, in specie, in said Bank, and three times the amount of the capital stock then paid, in specie, into said Bank, and, in case of excess, the directors, under whose administration it shall have happened, shall, in case of loss, be liable for the same in their private and natural capacities; but this shall not be construed to exempt the said corporation from being liable for such excess.

Provided nevertheless, That such of the directors as may have been absent when such excess was contracted, or may have dissented from the resolution or act, whereby the same was so contracted, may exonerate themselves from being liable, as aforesaid, by giving notice immediately of the fact, and of their absence or dissent to the Governor of this state.

SEC. 9. *It is hereby further enacted,* That the shares in said Bank shall be transferable, in such manner as shall be prescribed by the bye-laws of said corporation.

Provided, That no transfer shall be valid, until the same be recorded in a book to be kept by the directors in said Bank, for that purpose, and unless the person making the same shall have previously discharged all debts due from him, or her, to said corporation.

SEC. 10. *It is hereby further enacted,* That the real estate, which it shall be lawful for said corporation to hold, shall be only such as shall be requisite for its accommodation in relation to its business and dealings, as a banking company; or such as shall have been mortgaged to it, by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or set off on execution, in satisfaction of debts due said corporation.

SEC. 11. *It is hereby further enacted,* That said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, or merchandize, or commodities whatsoever.

SEC. 12. *It is hereby further enacted,* That it shall be lawful for the directors, for the time being, to order and determine at what time, or times, and in what proportions, the sums unpaid on said shares, or any part of the same, shall be paid into said Bank, and that they shall give notice thereof to the stockholders, by publishing their order in a newspaper printed in said Chelsea, three weeks successively, the last of which shall be at least thirty days before such day of payment; and if any stockholder shall neglect to make payment on any share, agreeable to such

order, such share, and all moneys previously paid thereon, and all dividends accruing, or due thereon, shall be forfeited to the use of said corporation.

SEC. 13. *It is hereby further enacted,* That it shall be the duty of the directors to make half-yearly dividends of so much of the profits of said Bank as they shall think proper. Directors to make semi-annual dividends.

SEC. 14. *It is hereby further enacted,* That the said corporation shall not demand any greater interest, on any loan or discount, than at the rate of six per cent per annum. Rate of interest limited.

SEC. 15. *It is hereby further enacted,* That each stockholder shall be entitled to a number of votes, proportional to the number of shares which he or she shall have held in his or her name, at least three months, next before the time of voting, according to the following rates, that is to say: one vote for each share not exceeding four; five votes for six shares; six votes for eight shares; seven votes for ten shares; and one vote for every five shares above ten. Number of votes to which stockholders are entitled.

Provided, That no stockholder shall be entitled to more than twenty votes. Proviso.

SEC. 16. *It is hereby further enacted,* That the shares of said corporation shall be personal estate, to all intents and purposes; and when any share or shares shall be attached on mesne process, the officer serving the same shall leave with the cashier of the said Bank, an attested copy of such process, with his doings thereon: and such share, or shares, may be taken and sold on execution, in the same manner as is, or may be, provided for the sale of other personal estate; the purchaser causing an attested copy of the execution, and the officer's return thereon, to be left with the cashier of said Bank, within twelve days after such sale, and paying for recording the same, which shall pass to the purchaser all the right of the stockholder, for whose debt the same was sold, in such share or shares. Shares declared personal estate. How attached. May be sold on execution. Right in purchaser, how vested.

And whenever any officer, duly authorized therefor, shall appear at said Bank, for the purpose of making an attachment of any share or shares in said corporation, owned by any debtor, or for the purpose of levying execution thereon, it shall be the duty of the cashier to produce to such officer, the books of said corporation so far as to enable such officer to ascertain the number of shares owned by the debtor, and, to give such officer a certificate under his hand, in his official capacity, certifying the number of shares owned by such debtor, with the dividends due thereon, and the lien of the corporation on such share or shares. Officer appearing to attach or levy execution on shares, duty of cashier.

Bills and notes of Bank to be receiv'd on all demands in favor of Bank.

SEC. 17. *It is hereby further enacted,* That the bills and notes of said Bank shall, at all times, be received by said Bank, on all judgments, executions or demands, of any kind whatsoever, originally due and owing to said Bank, or which may be their property at the time of payment; and all bills and notes shall be made payable at said Bank in Newbury.

Proviso.

Provided, That no note, originally due, or payable to said corporation, shall be endorsed, so as to enable the endorsee, or endorsees, to maintain an action thereon, in his, or their, own name.

Loan to be made to the state, if required.

SEC. 18. *It is hereby further enacted,* That within one year after the passing of this act, and at any time thereafter, whenever requested by the legislature, if the same can be done without violating the provisions of the eighth section of this act, the said corporation shall loan to this state, any sum or sums of money, so that not exceeding ten thousand dollars be, at any one time, due from said state to said Bank; to be repaid by five annual instalments, or sooner, at the election of the state, with annual interest.

Legislature shall appoint committee to examine into doings of Bank.

SEC. 19. *It is hereby further enacted,* That the legislature of this state, shall, at each session, appoint a committee, who shall be under oath for the faithful discharge of their duty as such, who shall not be stockholders in said Bank, whose duty it shall be, to examine into the doings of said corporation, and shall have free access to their books, papers and vaults, and the power to enquire of the cashier, or any other officer of said Bank, under oath, relative to all the concerns of said Bank, and make report of their doings to the legislature; and if such committee shall consider that said corporation have exceeded their powers, herein granted to them, or have failed to comply with the conditions of this act, they shall have power, and it is hereby made their duty, to direct the state's attorney for the county of Orange, or such other person as they shall appoint, to file an information against said corporation, before the supreme court of judicature, in and for the county of Orange; which shall be served on one or more of the directors of said Bank, at least twelve days before the sitting of the court to which the same shall be returnable; and if, upon trial of said cause, it shall be found that said corporation have exceeded the powers herein granted to them, or have failed to comply with the conditions of this act, said court is, in its discretion, hereby empowered, to declare said charter vacated.

Duty of committee to cause information to be filed against Bank, in certain case.

Sup. court may declare charter vacated.

Provided always, That the persons, composing such committee, shall, previous to such examination, make oath that they will never, thereafter, divulge the name of any individual debtor to said Bank, unless thereunto required, in a court of justice, in due course of law.

Committee to make oath not to divulge names of Bank debtors.

SEC. 20. *It is hereby further enacted,* That said corporation shall not, at any time, suspend or refuse payment, in gold or silver coin, of any of its notes, bills or obligations; nor of any moneys received as general deposits in said Bank; and if said corporation shall neglect or refuse to pay, on demand, any such bill, note or obligation, or deposit, to the person, or persons, entitled to receive the same, such person, or persons, shall be entitled to receive and recover interest on such note, bill, obligation or deposit, until the same shall be paid or satisfied, at the rate of twelve per centum per annum, from the time of such demand.

Corporation not to suspend or refuse specie payments.

Provided also, That the legislature may, at any time hereafter, enact laws enforcing and regulating the recovery of the notes, bills, obligations and other debts, of which payment shall have been refused, as aforesaid, with the rate of interest above-mentioned.

Legislature may enact laws enforcing recovery against Bank.

Provided also, That the supreme court shall have the power of declaring the charter of said Bank vacated, in the manner provided in the nineteenth section of this act, for the non-payment in specie, of the notes of said corporation.

Sup. court may vacate charter for suspension of specie payments.

SEC. 21. *It is hereby further enacted,* That each and every of the directors of said Bank shall, before he enters upon the duties of his office, give bond to the treasurer of this state, in the sum of eight thousand dollars, with good and sufficient surety, or sureties, to the satisfaction of said treasurer, conditioned for the faithful discharge of the duties of his office, agreeably to the regulations, requirements, and restrictions of this act; and on the complaint of any person, who has been injured by the misconduct of any director, it shall be the duty of said treasurer to cause said bond to be put in suit, on receiving security to indemnify the state against the costs, and to certify to the court, who is the prosecutor in such cause; and said court may, on motion of the defendants in said cause, order the prosecutor to find sureties to indemnify the defendants for their costs, should he fail to prosecute or recover thereon; and if the defendants shall plead performance of the conditions of said bond, the prosecutor may reply as many breaches, respecting his interest, as he shall think fit; and the jury, on trial of such issues as shall be put to them, shall assess damages for such breaches, as the prosecutor shall prove,

Directors to give bonds.

Condition of bond

Bonds may be prosecuted on complaint.

To plea of performance prosecutor may reply breaches & judgment to be entered for penalty.

Judgment shall remain in sufficiency for others injured. and the court shall enter up judgment for the whole penalty of the bond, and issue execution for the prosecutor, for such sum as the jury shall have found for damages and the costs, and the judgment shall remain for the benefit of such person, or persons, as may, by a *scire facias* thereon, shew that they have been injured by any breaches of the condition of said bond; and if the prosecutor shall fail to recover in such suit, the court shall award costs to the defendants, and thereof issue execution against such prosecutor.

This act declared a public act.

SEC. 22. *It is hereby further enacted,* That this act be, and hereby is, declared a public act; and that the same be, for the time herein before limited, construed in all courts and places, benignly, and favorably for every beneficial purpose therein mentioned.

Bank to be in operation in one year.

SEC. 23. *It is hereby further enacted,* That the said corporation shall take no benefit by this act, and that the same shall be wholly void, unless said Bank shall commence and be in operation, agreeable to the provisions of this act, within one year after the passing of the same.

Corporation to pay into treasury 10 per cent of profits.

SEC. 24. *It is hereby further enacted,* That the said corporation shall, semi-annually, at the time at which the directors of said Bank shall declare dividends of the profits of said Bank, pay into the treasury of this state, for the use and benefit of this state, ten per cent. of the profits of said Bank; whether all of said profits shall have been divided or not.

Commissioners and committee to receive compensation of corporation.

SEC. 25. *It is hereby further enacted,* That the commissioners appointed agreeable to the provisions of the third section, and the committee appointed agreeable to the nineteenth section of this act, shall, severally, have a right to demand and receive of said corporation, a remuneration for all services by them performed, agreeable to the requirements of this act.

Inhabitants of this state to be preferred in subscription for shares.

SEC. 26. *It is hereby further enacted,* That in case there shall be more than two thousand shares subscribed to said Bank, the commissioners for receiving said subscriptions shall, in deducting the excess, give a preference to the inhabitants of this state, so that they may hold the whole of said stock; and in case it shall appear to the satisfaction of said commissioners, that any subscriber shall have subscribed for stock in the name of any other person, or persons, for his or her benefit, it shall be in the power of said commissioners to deduct the whole, or any part of said shares, so subscribed as aforesaid.

SEC. 27. *It is hereby further enacted,* That all stock in said Bank, owned by persons not citizens of this state, shall be subject to a tax of twelve per cent. on all dividends made by said Bank. Stock owned by persons, not citizens, subject to tax of 12 per cent.

SEC. 28. *It is hereby further enacted,* That one-tenth part of said bank stock shall be sold conditionally, viz: that at any time, during the operation of this act, it may, and shall be, lawful for the state of Vermont to take of the capital stock of said Bank, one-tenth part, by said state's paying said stockholders, at said Bank, the amount then paid into the said capital stock, and it shall be the duty of the president, directors and company of said Bank, on such payment, forthwith to transfer to the state of Vermont, one tenth part of said capital stock. One tenth part of stock may at any time be taken by state

[Passed Nov. 7, 1832.]

36. —An act, to incorporate the President, Directors, and Company of the Essex Bank.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That the subscribers to the capital stock of the Bank, established by this act; their successors and assigns, shall be, and they are hereby, constituted a corporation and body politic, by the name of the *President, Directors and Company of the Essex Bank*, and shall so continue and have succession, until the first day of January, one thousand eight hundred and forty-eight, and by that name may sue and be sued, may have a common seal, and the same alter at pleasure, and shall be capable of purchasing, holding and conveying estate, real and personal, for their own use, and shall have and enjoy all the powers and privileges incident to corporations; and the said Bank shall be established at Guildhall, in the county of Essex. Bank of Essex incorporated.

Limitation of grant.

Rights, powers, &c. of corporation.

SEC. 2. *It is hereby further enacted,* That the capital stock of said Bank shall be forty thousand dollars, and shall be divided into one thousand shares of forty dollars each. Am't of capital stock and number of shares.

SEC. 3. *It is hereby further enacted,* That the books for receiving subscriptions for shares in said Bank, shall be opened at said Guildhall, ninety days from and after the passing of this act, under the direction of Richardson Graves, William Gates, John Dewey, Greenleaf Webb, Chapin K. Brooks, David Hopkinson, and Noyes Deni- Books when and where to be opened.

Commissioners

Directions for deduction of excess of subscription.

Duties of commissioners.

Meeting for election of directors, by whom & how called.

Proviso.

Concerns of Bank to be managed by 5 directors.

Directors when to be elected.

son, or a majority of them, who are hereby appointed commissioners for that purpose ; and said books shall continue open from ten to four o'clock, on each day, Sundays excepted, for the space of ten days, and thereafter, until the whole number of shares shall be subscribed ; and the subscribers shall, at the time of subscribing, deposit with the commissioners, in gold or silver coin, five dollars, upon each share by them respectively subscribed ; and if, at the end of said ten days, the number of shares shall exceed one thousand, the excess shall be deducted from subscriptions for more than ten shares, in such proportions as said commissioners shall think proper ; and said commissioners shall deliver to the directors of said Bank, within ten days after they enter upon the duties of their office, a list of the names of all subscribers entitled to shares in said Bank, and the number of shares to which each is entitled, and the sum by each deposited with them, under their hands, or a majority of them, and also all moneys by them received as deposits on such shares ; which list the said directors shall cause to be recorded in the records of said Bank, and thereupon issue certificates to such subscribers for their shares.

SEC. 4. *It is hereby further enacted,* That it shall be the duty of said commissioners, at the expiration of said ten days, or as soon thereafter as they shall think proper, to call a meeting of the subscribers to said Bank, at such time and place as they shall think proper, by publishing a notice thereof, signed by them, or a majority of them, in a newspaper printed at St. Johnsbury, or Danville, two weeks successively, previous to said meeting, for the purpose of electing five directors of said Bank.

Provided, That no operations shall be commenced at said Bank, until the number of one thousand shares be subscribed, and fifty per centum of the capital stock be deposited with said commissioners.

SEC. 5. *It is hereby further enacted,* That the stock, property and concerns of said Bank shall be managed and conducted by five directors, a majority of whom shall constitute a quorum for the transaction of business ; who shall be stockholders in said Bank, and inhabitants of this state ; and shall hold their offices until the second Tuesday of January next succeeding their appointment, and until their successors are appointed and qualified ; and shall be elected on the second Tuesday of January, annually, after the first election, as aforesaid, at such time of the day and place, in said Guildhall, as a majority of the directors, for the time being, shall direct ; public notice whereof shall be given, not less than thirty days previous to such election ;

and all such elections shall be made by ballot by the stockholders of said Bank, who shall be present, personally, or by proxy; and the five persons who shall have the greatest number of votes, at any such election, shall be directors. And if it shall so happen, that any two or more persons shall have an equal number of votes, in such manner that a greater number than five shall, by a plurality of votes, appear to be elected, said stockholders shall proceed to ballot a second time, and, by a plurality of votes, determine which of said persons, so having an equal number of votes, shall be director or directors, and in the like manner proceed, until five directors are elected. And in case any vacancy or vacancies, in the board of directors shall, at any time, happen, by death, resignation, or removal, the same shall be filled from among the stockholders of said Bank, by a major vote of the remaining directors.

Notice of election to be given.

Elections, how made.

Vacancies how filled.

SEC. 6. *It is hereby further enacted,* That in case it should so happen that an election of directors should not be made, on the day in this act prescribed for that purpose, the said corporation shall not, for that cause, be dissolved, but that it shall be lawful, on any other day, to hold and make an election of directors, in such manner as shall have been directed by the by-laws of said corporation.

Directors may be elected on day other than that prescribed.

SEC. 7. *It is hereby further enacted,* That the directors of said Bank shall have power to appoint one of their number President of said Bank; and also to appoint all other officers and servants, necessary for the management of the concerns of said corporation; and to fix the allowance for the compensation of said officers and servants; and to make and prescribe such by-laws, rules and regulations, as to them shall appear necessary and proper, not repugnant to the constitution and laws of this state, relating to the management and disposition of the stock, property, estate and effects of said corporation, and to the duties and conduct of the officers, clerks and servants employed by said corporation, and to the election of directors, and to all other matters appertaining to the business of said Bank.

Direc'rs to appoint president and other officers, and enact by-laws.

SEC. 8. *It is hereby further enacted,* That the directors of said Bank shall not, at any time, contract debts to a greater amount than the deposits, in specie, in said Bank, and three times the amount of the capital stock then paid, in specie, into said Bank, and, in case of excess, the directors, under whose administration it shall have happened, shall, in case of loss, be liable for the same in their private and natural capacities; but this shall not be construed to ex-

Limitation of debts which may be contracted by Bank.

Directors liable in private capacity in certain cases.

empt the said corporation from being liable for such excess.

Individual directors exonerated in certain case.

Provided nevertheless, That such of the directors as may have been absent when such excess was contracted, or may have dissented from the resolution or act, whereby the same was so contracted, may exonerate themselves from being liable, as aforesaid, by giving immediate notice of the fact, and of their absence or dissent to the Governor of the state.

Shares transferable.

SEC. 9. *It is hereby further enacted,* That the shares in said Bank shall be transferable, in such manner as shall be prescribed by the bye-laws of said corporation.

Transfer regulated.

Provided, That no transfer shall be valid, until the same shall be recorded in a book to be kept by the directors in said Bank, for that purpose, and unless the person making the same shall have previously discharged all debts due from him, or her, to said corporation.

Holding real estate restricted.

SEC. 10. *It is hereby further enacted,* That the real estate, which it shall be lawful for said corporation to hold, shall be only such as shall be requisite for its accommodation in relation to its business and dealings, as a banking company; or such as shall have been mortgaged to it, by way of security, or conveyed to it in satisfaction for debts previously contracted in the course of its dealings, or set off on execution, in satisfaction of debts due said corporation.

Dealing in goods, &c. prohibited.

SEC. 11. *It is hereby further enacted,* That said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, or merchandize, or commodities whatsoever.

Directors to order payment of assessments on shares.

SEC. 12. *It is hereby further enacted,* That it shall be lawful for the directors, for the time being, to order and determine at what time, or times, and in what proportions, the sums unpaid on said shares, or any part of the same, shall be paid into said Bank, and that they shall give notice thereof to the stockholders, by publishing their order in the nearest newspaper printed in this state, three weeks successively, the last of which shall be at least thirty days before such day of payment; and if any stockholder shall neglect to make payment on any share, agreeably to such order, such share, and all moneys previously paid thereon, and all dividends accruing, or due thereon, shall be forfeited to the use of said corporation.

And give notice thereof.

Shares forfeited on non-payment of assessment.

Directors to make semi-annual dividends.

SEC. 13. *It is hereby further enacted,* That it shall be the duty of the directors to make half-yearly dividends of so much of the profits of said Bank as they shall think proper.

SEC. 14. *It is hereby further enacted,* That the said corporation shall not demand any greater interest, on any loan or discount, than at the rate of six per centum per annum. Rate of interest limited.

SEC. 15. *It is hereby further enacted,* That each stockholder shall be entitled to a number of votes, proportioned to the number of shares which he or she shall have held in his or her name, at least three months, next before the time of voting, according to the following rates, that is to say: one vote for each share not exceeding four; five votes for six shares; six votes for eight shares; seven votes for ten shares; and one vote for every five shares above ten. Number of votes to which stockholders are entitled.

Provided, That no stockholder shall be entitled to more than twenty votes. Proviso.

SEC. 16. *It is hereby further enacted,* That the shares in said corporation shall be personal estate, to all intents and purposes; and when any share or shares shall be attached on mesne process, the officer serving the same shall leave with the cashier of said Bank, an attested copy of such process, with his doings thereon: and such share, or shares, may be taken and sold on execution, in the same manner as is, or may be, provided for the sale of other personal estate; the purchaser causing an attested copy of the execution, and the officer's return thereon, to be left with the cashier of said Bank, within twelve days after such sale, and paying for recording the same, which shall pass to the purchaser all the right of the stockholder, for whose debt the same was sold, in such share or shares. Shares declared personal estate.

And whenever any officer, duly authorized therefor, shall appear at said Bank, for the purpose of making an attachment of any share or shares in said corporation, owned by any debtor, or for the purpose of levying execution thereon, it shall be the duty of the cashier to produce to such officer, the books of said corporation, so far as to enable such officer to ascertain the number of shares owned by the debtor, and, to give such officer a certificate under his hand, in his official capacity, certifying the number of shares owned by such debtor, with the dividends due thereon, and the lien of said corporation on such share or shares. How attached.

SEC. 17. *It is hereby further enacted,* That the bills and notes of said Bank shall, at all times, be received by said Bank, on all judgments, executions or demands, of any nature whatsoever, originally due or owing to the said Bank, or which may be their property at the time of payment; and all bills and notes shall be made payable at the said Bank, in Guildhall, May be sold on execution.

Right in purchaser, how vested.

Officer appearing to attach or levy execution on shares, duty of cashier.

Bills and notes of Bank to be receiv'd on all demands in favor of Bank.

Proviso,

Provided, That no note, originally due, or payable to the said corporation, shall be endorsed, so as to enable the endorsee, or endorsees, to maintain an action thereon, in his, or their, own name.

Loan to be made to the state, if required.

SEC. 18. *It is hereby further enacted*, That within one year after the passing of this act, and at any time thereafter, whenever requested by the legislature, if the same can be done without violating the provisions of the eighth section of this act, the said corporation shall loan to this state, any sum or sums of money, so that not exceeding ten thousand dollars be, at any one time, due from said state to said Bank; to be repaid by five annual instalments, or sooner, at the election of the state, with annual interest.

Legislature shall appoint committee to examine into doings of Bank.

SEC. 19. *It is hereby further enacted*, That the legislature of this state, shall, at each session, appoint a committee, who shall not be stockholders in said Bank, whose duty it shall be, to examine into the doings of said corporation, and shall have free access to their books, papers and vaults, and power to enquire of the cashier, or any other officer of said Bank, under oath, relative to all the concerns of said Bank, and make report of their doings to the legislature; and if such committee shall consider that the corporation have exceeded their powers, herein granted to them, or have failed to comply with the conditions of this act, they shall have power to direct the state's attorney for the county of Essex, or such other person as they shall appoint, to file an information against said corporation, before the supreme court of judicature, in and for the county of Essex; which shall be served on one or more of the directors of said Bank, at least twelve days before the sitting of the court to which the same shall be returnable; and if, upon trial of said cause, it shall be found that said corporation have exceeded the powers herein granted to them, or have failed to comply with the conditions of this act, said court is, in its discretion, hereby empowered, to declare said charter vacated.

Duty of committee to cause information to be filed against Bank, in certain case.

Sup. court may declare charter vacated.

Committee to make oath not to divulge names of Bank debtors.

Provided always, That the persons, composing such committee, shall, previous to such examination, make oath that they will never, thereafter, divulge the name of any individual debtor to said Bank, unless thereunto required, in a court of justice, in due course of law.

Corporation not to suspend or refuse specie payments.

SEC. 20. *It is hereby further enacted*, That said corporation shall not, at any time, suspend or refuse payment, in gold or silver coin, of any of its notes, bills or obligations; nor of any moneys received as general deposits in said Bank; and if said corporation shall refuse or neglect to pay, on demand, any such bill, note or obligation, or deposit, to the person, or persons, entitled to receive the

same, such person or persons shall be entitled to receive and recover interest on such note, bill, obligation or deposit, until the same shall be paid or satisfied, at the rate of twelve per cent. per annum, from the time of such demand.

Provided also; That the legislature may, at any time hereafter, enact laws enforcing and regulating the recovery of the notes, bills, obligations and other debts, of which payment shall have been refused, as aforesaid, with the rate of interest above mentioned. Legislature may enact laws enforcing recovery against Bank.

Provided, also, That the supreme court shall have the power of declaring the charter of said Bank vacated, in the manner provided in the nineteenth section of this act, for the non-payment, in specie, of the notes of said corporation. Sup. court may vacate charter for suspension of specie payments.

SEC. 21. *It is hereby further enacted,* That each and every of the directors of said Bank, shall, before he enters upon the duties of his office, give bond to the treasurer of this state, in the sum of eight thousand dollars, with good and sufficient surety, or sureties, to the satisfaction of said treasurer, conditioned for the faithful discharge of the duties of his office, agreeably to the regulations, requirements, and restrictions of this act; and on the complaint of any person, who has been injured by the misconduct of any director, it shall be the duty of said treasurer to cause said bond to be put in suit, on receiving security to indemnify the state against costs, and to certify to the court, who is prosecutor in such cause; and said court may, on motion of the defendants in said cause, order the prosecutor to find sureties to indemnify the defendants for their costs, should he fail to prosecute or recover thereon; and if the defendants shall plead performance of the conditions of said bond, the prosecutor may reply as many breaches, respecting his interest, as he shall think fit, and the jury, on trial of such issues as shall be put to them, shall assess damages for such breaches, as the prosecutor shall prove, and the court shall enter up judgment for the whole penalty of the bond, and issue execution in favor of the prosecutor, for such sum as the jury shall have found for damages and the costs, and the judgment shall remain for the benefit of such person, or persons, as may, by a *scire facias* thereon, shew that they have been injured by any breaches of the condition of said bond; and if the prosecutor shall fail to recover in such suit, the court shall award costs to the defendants, and thereof issue execution against such prosecutor. Directors to give bonds. Condition of bond. Bonds may be prosecuted on complaint. To plea of performance prosecutor may reply breaches, and judgment to be entered for penalty. Judgm't shall remain as surety to others injured.

SEC. 22. *It is hereby further enacted,* That this act be, and hereby is, declared to be a public act; and that the same be, for the time herein before limited, construed in all courts This act declared a public act.

and places, benignly, and favorably for every beneficial purpose therein mentioned.

Bank to be in operation in one year.

SEC. 23. *It is hereby further enacted,* That the said corporation shall take no benefit by this act, and that the same shall be wholly void, unless the said Bank shall commence and be in operation, agreeably to the provisions of this act, within one year after the passing of the same.

Corporation to pay into treasury 10 per ct. on stock owned within this state.

And 12 per ct. on stock owned without this state.

SEC. 24. *It is hereby further enacted,* That the said corporation shall, semi-annually, at the time at which the directors of said Bank shall declare the dividends of the profits of said Bank, pay into the treasury of this state, for the use and benefit of this state, ten per centum of the profits of said Bank, whether all the profits shall have been divided or not, on all stock owned within this state; and twelve per centum of said profits on stock owned without this state.

Commissioners and committee to receive compensation of corporation.

SEC. 25. *It is hereby further enacted,* That the commissioners appointed agreeably to the provisions of the third section, and the committee appointed agreeably to the provisions of the nineteenth section of this act, shall, severally, have a right to demand and receive of said corporation, a remuneration for all services by them performed, agreeably to the requirements of this act.

Inhabitants of this state to be preferred in subscription for shares.

SEC. 26. *It is hereby further enacted,* That in case there shall be more than one thousand shares subscribed to said Bank, the commissioners for receiving such subscriptions shall, in deducting the excess, give a preference to the inhabitants of this state, so that they may hold the whole of said stock; and in case it shall appear to the satisfaction of said commissioners, that any subscriber shall have subscribed for stock in the name of any other person, or persons, or shall have procured subscriptions to be made in the name of any other person, or persons, for his, or her, benefit, it shall be in the power of said commissioners to deduct the whole, or any part of said shares, so subscribed as aforesaid.

One-tenth part of stock may at any time be taken by state.

SEC. 27. *It is hereby further enacted,* That one-tenth part of said bank stock shall be sold conditionally, viz: that at any time, during the operation of this act, it may, and shall be lawful, for the state of Vermont to take of the capital stock of said Bank, one-tenth part of said stock, by said state's paying said stockholders, at said Bank, the amount then paid into the capital stock; and it shall be the duty of the president, directors and company of said Bank, on such payment, forthwith to transfer to the state of Vermont, one-tenth part of said capital stock.

[Passed Nov. 7, 1832.]

37.—An act, extending the time, and continuing in force for a limited period, an act, to incorporate the President, Directors, and Company of the Bank of Brattleboro'.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That the act entitled, "an act, to incorporate the President, Directors, and Company of the Bank of Brattleboro'," passed November fifth, one thousand eight hundred and twenty-one, shall be, and hereby is, extended and continued in force until the first day of January, one thousand eight hundred and fifty-two. Charter extended.

SEC. 2. *It is hereby further enacted,* That it shall be the duty of said corporation, and they are hereby required, to pay to the committee, who shall annually be appointed by the legislature of this state, to examine into the doings of said corporation, such compensation for his or their services, as may be just and reasonable. Corporation to compensate inspecting committee.

SEC. 3. *It is hereby further enacted,* That the said corporation shall, semi-annually, at the time at which the directors of said corporation shall declare the dividends of the profits of said Bank, pay into the treasury of this state, for the use and benefit of this state, ten per centum of the profits of said Bank, whether divided or not, on all stock owned within this state; and twelve per centum of said profits, on all stock owned without this state. Payment of tax on profits to be made semi-annually.

SEC. 4. *It is hereby further enacted,* That the General Assembly shall, at any time previous to the expiration of the grant herein contained, have the right, by law, to increase the number of shares of said corporation, any number, not exceeding two hundred, to be subscribed for by the state—they paying, on said newly created stock, the same sum which, at the time of such subscription, may have been paid by the other stockholders of said corporation; and from that time, the stock, so owned by the state, shall be subject to the same liabilities for instalments on their shares, and entitled to the same dividends of subsequent profits, as the shares of other stockholders of said corporation. State authorized to increase & hold shares.

[Passed Nov. 7, 1832.]

38.—An act, in addition to "an act, to incorporate the President, Directors, and Company of the Bank of Orange County."

It is hereby enacted by the General Assembly of the State of Vermont, That it shall be lawful for the stockholders of the Bank of Orange County, at their several annual Stockholders may add two to the number of directors.

meetings, hereafter to be holden for the choice of directors of said Bank; to add two to the number of directors now authorized by their charter, and the directors, so added to the board of directors by this act; shall give bonds, and have the same powers, and be subject to the same penalties, as is provided in the act to which this is in addition.

[Passed Nov. 7, 1832.]

39.—An act, in addition to an act, entitled, “an act, to incorporate the President, Directors, and Company of the Bank of Woodstock,” passed Nov. 9, 1831.

No. of directors
increased.

It is hereby enacted by the General Assembly of the State of Vermont, That from and after the second Tuesday of January, next after the passage of this act, the number of directors of said Bank of Woodstock, shall consist of seven, instead of five, as is now provided in the fifth section of the act to which this is an addition; and that seven, instead of five, directors of said Bank, shall be elected at the next, and at all future meetings of the stockholders of said Bank, which shall be held for the choice of directors, pursuant to said fifth section, in the same manner as is now provided for the election of directors of said Bank—a majority of whom, shall constitute a quorum for the transaction of business.

[Passed Nov. 1, 1832.]

40.—An act, incorporating the Rutland Woollen Manufacturing Company.

Persons incor-
porated.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That William Gookin and Hiram N. Gookin, or either of them, their associates and successors, are hereby declared, ordained and appointed, a body politic and corporate, to all intents and purposes, by the name of the *Rutland Woollen Manufacturing Company*, for the purpose of carrying on the making and manufacturing of woollen cloth, in its various branches, and all other branches necessarily connected therewith, within the county of Rutland; and by that name may sue and be sued, ap-

pear, prosecute and defend, in all suits & actions, in all courts of law and equity whatsoever; may purchase, hold and convey real and personal estate, or property, not exceeding two hundred thousand dollars;—may have and use a common seal, and the same alter at pleasure; and shall have and enjoy all the powers and privileges, incident to corporations, and necessary to carry into effect the objects of this grant.

SEC. 2. *It is hereby further enacted*, That the said corporation shall have power to divide this grant into as many shares as they may deem proper; and such shares shall be taken, deemed and considered personal estate, to all intents and purposes. And when any share, or shares, shall be attached on mesne process, an attested copy of such process shall be left with the clerk of said corporation, with the officer's return thereon endorsed, at the time of serving the same—otherwise such attachment shall be void; and such share, or shares, may be sold on execution, in the same manner, as now is, or may hereafter be, provided by law, for making sale of personal property on execution; the officer serving the same, leaving a copy of such execution, with his return thereon endorsed, with the clerk of said corporation, within fourteen days after said sale, and paying the clerk for recording the same; and such share, or shares, so sold, shall, to all intents and purposes, vest in such purchaser.

Grant may be divided into shares, which shall be deemed personal estate.

Manner of serving process on shares.

SEC. 3. *It is hereby further enacted*, That said corporation be, and they are hereby, empowered to determine at what times and places their meetings shall be holden, and on the manner of notifying the proprietors to convene, at such meetings, at which meeting each proprietor shall be entitled, by himself, or proxy, to as many votes as he holds shares; and they shall have power to elect, once every year, or oftener, a president, clerk, and such other officers as they may see proper, with such powers as they may judge expedient; and, also, to enact and order any by-laws for the government of said corporation, and for the due and orderly conducting the affairs thereof, and concerning all matters and things relating to said corporation, and the same to alter and amend, or repeal, at pleasure. *Provided*, That the powers vested in their said officers, and the by-laws, shall not be repugnant to the constitution and laws of this state.

Meetings.

Officers.

By-laws.

Proviso.

SEC. 4. *It is hereby further enacted*, That the said Hiram N. Gookin be, and he is, hereby, empowered to call the first meeting of said corporation, after giving those con-

First meeting.

cerned due notice of the time and place of holding said meeting.

Restriction.

SEC. 5. *It is hereby further enacted,* That it shall not be lawful for said corporation to use their funds, or any part thereof, for any other purpose than those specified in this act.

May be altered or repealed.

SEC. 6. *It is hereby further enacted,* That all the privileges of this act shall be under the control of this, or any future legislature, so as to alter, amend, or repeal the same, at pleasure, as the public good may require.

[Passed Nov. 3, 1832.]

41.--An act, to incorporate the persons therein named, by the name of the Norwich Aqueduct Company.

Persons incorporated.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That John Wright, Richard H. Morris, Aaron Loveland, Harvey Burton, Horace Hatch, Alden Partridge, and William S. Burton, and their associates, their successors and assigns, be, and they are hereby, constituted a body politic and corporate, by the name of the *Norwich Aqueduct Company*, and by that name may sue and be sued, plead and be impleaded, may purchase, hold and convey both real and personal estate, not exceeding five thousand dollars;—may have a common seal, and the same alter at pleasure; and shall have and enjoy all the privileges incident to similar corporations, for the purpose of completing, repairing, and enjoying said aqueduct.

Powers and privileges.

First meeting.

SEC. 2. *It is hereby further enacted,* That said corporation may hold their first meeting at the Union Hotel, in Norwich, on Saturday, the first day of December next, at five o'clock in the afternoon, for the purpose of choosing a president, a clerk, and such other officers as shall be deemed necessary by said corporation, and establish the mode of calling future meetings;—may make and adopt by-laws, rules and regulations, not repugnant to the laws and constitution of this state, and the same may repeal and alter at pleasure, from time to time, as they may deem necessary for the due regulation of their common concerns and interest.

By-laws.

Grant may be divided into shares, which shall be deemed personal estate.

SEC. 3. *It is hereby further enacted,* That said corporation shall have power to divide their grant into as many shares as they may think or deem proper,—said shares to be of equal value; and such shares, so divided, shall be

taken and considered personal property, to all intents and purposes, and may be transferred in such manner as said corporation, by their by-laws, may direct; and when any share, or shares, may be attached on mesne process, an attested copy of such process, with the officer's return thereon endorsed, shall be left with the clerk of said corporation, at the time of serving the same—otherwise, such attachment shall be null and void. And such shares may be sold on execution, in the same manner as is now, or may, hereafter, be provided by law, for making sale of personal estate, on execution; and the officer serving the same, shall leave a copy of such execution, with his return thereon endorsed, with the clerk of said corporation, within six days next after such sale; and such share, or shares, so sold, shall, to all intents and purposes, be vested in the purchaser.

Manner of serving process.

SEC. 4. *It is hereby further enacted,* That said corporation shall have the power to assess taxes upon the members of said company, or upon the shares, and, in the name of said company, to sue for, and collect the same, or sell the shares for the collection of the same, in such manner as the said corporation may, by their by-laws, establish.—*Provided,* That any future legislature may amend, or repeal this act.

May assess taxes.

Proviso.

[Passed Nov. 7, 1832.]

42.—An act, incorporating the Olympus Mineral Company.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That Beniah Short, George Throop, Mills May, Samuel Austin, Jun. Francis Dow, William D. Keyes, and Julius Converse, and their associates and successors, be, and they hereby are, constituted a body politic and corporate, to all intents and purposes, by the name of the *Olympus Mineral Company*, and by that name may sue and be sued, implead and be impleaded, appear, prosecute and defend, in all suits and actions, both in law and equity;—may purchase, hold and convey real and personal estate, to any amount not exceeding two hundred thousand dollars;—may have a common seal; and shall have and enjoy all the rights and privileges, incident to corporations, for the purpose of digging for, and manufacture of iron, steel, copper, lead, and all other minerals, in all their various branches.

Persons incorporated.

Powers and privileges.

First meeting SEC. 2. *It is hereby further enacted,* That the first meeting of said corporation shall be holden at the office of Julius Converse, in Bethel, in the county of Windsor, on the first Tuesday of January next; and said corporation may, at said meeting, and at all other meetings, properly notified, make, repeal and alter, such by-laws, rules and regulations, as may be thought necessary, for the due regulation and management of said corporation, not repugnant to the constitution and laws of this state.

By-laws.

Grant may be divided into shares. SEC. 3. *It is hereby further enacted,* That said corporation may divide their stock into as many shares, and provide for the sale and mode of transfer of said shares, as said corporation may, from time to time, deem expedient.

Grant under control of legislature. SEC. 4. *It is hereby further enacted,* That the privileges of this act, shall, at all times, be under the control of the legislature of this state, so as to alter, amend, or repeal the same, whenever the public good may require.

[Passed Nov. 8, 1832.]

43.—An act, to incorporate certain persons therein named, by the name of the Lake Dunmore Glass Company.

Persons incorporated. SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That E. N. Briggs, John Bullock, George Chipman, and Charles Lindsley, and their associates and successors, be, and they hereby are, made and constituted a body corporate and politic, by the name and style of the *Lake Dunmore Glass Company*, for the purpose of manufacturing glass, in its various branches, and carrying on such business as usually, or may be conveniently connected therewith, at Salisbury, in the county of Addison; and by the name aforesaid, may sue and be sued;—may have a common seal, and may enjoy all privileges by law incident to corporations.

Powers and privileges. SEC. 2. *It is hereby further enacted,* That said corporation may hold real and personal estate to the value of eighty thousand dollars.

Real estate.

Officers and workmen exempt from military duty. SEC. 3. *It is hereby further enacted,* That all the officers, workmen and servants of said corporation, who are engaged in attending the fires, working out the metals, and other indoor operations, or in superintending the same, as the selectmen of the said town of Salisbury shall, from

time to time, deem necessary, shall be exempted from all military duty.

SEC. 4. *It is hereby further enacted,* That the first meeting of said corporation shall be holden, without further public notice, at the counting-room of said corporation, on the seventh day from and after the passing of this act; and an annual meeting thereof shall, thereafter, be holden on the first Monday of January, in each year, at such place as the said corporation shall, from time to time, direct; at which meeting the said corporation shall choose a clerk and such other officers as shall be judged expedient, which said officers shall continue in office until the time of the next annual meeting; and said corporation shall, also, have power, at such meetings, to divide their capital stock into as many shares as may be thought fit; each of which shall entitle its proprietor to one vote, either by person, or by proxy, and to prescribe the mode of transferring the stock of said company to pay assessments on the shares of the stockholders, and enforce the payment of the same, upon the pain of the forfeiture of said shares, and all previous payments, for the benefit of the company;—and to make by-laws and ordinances, not repugnant to the laws of this state, for the government of said corporation.

First meeting.
Annual meeting.
Officers.
Grant may be divided into shares.
By-laws.

SEC. 5. *It is hereby further enacted,* That in case any election shall not be holden on the day herein appointed for the annual meeting of said corporation, the said corporation shall not therefor be dissolved, but the clerk shall be deemed to continue in office, and may warn a subsequent meeting of the stockholders, by publishing notice thereof, in a public paper, printed in Middlebury, or its vicinity, at least ten days previous to said meeting; and the meeting so warned and holden, shall be deemed equivalent to an annual meeting.

Corporation not to be dissolved if officers are not appointed at annual meeting.

SEC. 6. *It is hereby further enacted,* That all the privileges of this act shall be under the control of this, or any future legislature, so as to repeal, alter, or amend the same, at pleasure, as the public good may require.

Act to be under control of future legislature.

SEC. 7. *It is hereby further enacted,* That nothing herein contained shall be so construed as to authorize the said company to use, or exercise any banking privileges.

Restriction.

[Passed Nov. 3, 1832.]

44.—An act, to incorporate the Ascutney Manufacturing Company.

Persons incorporated. SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That Francis K. Nichols, Joseph Kidder, Aaron Willard, Joseph R. Williams and Cyrus Boynton, and their associates and successors, be, and are hereby, constituted a body politic and corporate, to all intents and purposes, by the name of the *Ascutney Manufacturing Company*, at Weathersfield, in the county of Windsor; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in all suits and actions;—may purchase, hold and convey real and personal estate, to an amount, not exceeding one hundred thousand dollars;—may have a common seal; and shall have and enjoy all the privileges, incident to corporations, for the purpose of manufacturing cotton and woolen goods, in all its various branches.

Powers and privileges.

First meeting. SEC. 2. *It is hereby further enacted,* That the first meeting of said corporation shall be holden at Kidder & Nichols' factory, in said Weathersfield, at any time, to be mutually agreed upon, by the persons named in this act, within ninety days next after passing the same; at which meeting, and at all other meetings, legally notified, said corporation may make, repeal and alter such by-laws, rules and regulations, as may be thought necessary for the due regulation and management of said corporation, not repugnant to the laws of this state, or of the United States.

By-laws.

Grant may be divided into shares. SEC. 3. *It is hereby further enacted,* That the said corporation may divide their stock into as many shares, and provide for the sale and transfer thereof, as said corporation may, from time to time, deem expedient.

Property to be deemed personal estate. SEC. 4. *It is hereby further enacted,* That the property of the stockholders in said corporation shall be considered as personal property, and be holden as such, to satisfy the debts of said corporation.

This grant under control of legislature. SEC. 5. *It is hereby further enacted,* That all the privileges of this act, shall be under the control of this, or any future legislature, so as to alter, amend, or repeal the same, at pleasure, as the public good may require.

[Passed Nov. 8, 1832.]

45.—An act, to incorporate the Springfield Village Fire Company.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That John Perkins, Jonathan

Chase, Russell Burke, Edmund Durin, Leonard Ellis, Don Lovell, Daniel Adams, Enos Holmes, John Holmes, Samuel W. Porter, David Brown, Frederick A. Porter, Noah Safford, Enoch Lake, Horatio G. Hawkins, Nomlas Cobb, Leonard Chase, Moses Cobb, George Kimball, George Washburn, Brooks Kimball and Luke Williams, and their associates and successors, be, and they hereby are, constituted and appointed a body politic and corporate, to all intents and purposes, by the name of the *Springfield Village Fire Company*, and by that name may sue and be sued, plead and be impleaded, and may purchase and hold real estate to the amount of two thousand dollars, to themselves and successors, and may, also, hold personal estate, to the amount of three thousand dollars, including an engine, or engines, and apparatus appertaining to the same, and may have a common seal, and shall have and enjoy all the rights and privileges which are incident to corporations.

Persons incorporated.

Powers and privileges.

SEC. 2. *It is hereby further enacted*, That the first meeting of said corporation shall be holden at the dwelling-house of Edmund Durin, in the centre village of said town of Springfield, on the second Monday of January, one thousand eight hundred and thirty-three, for the purpose of choosing such officers as may be then deemed proper and necessary, and establish a mode of calling future meetings. And the said corporation may, at said meeting, and at all other meetings, legally holden, make and ordain by-laws, rules and regulations, and the same repeal and alter at pleasure, to carry into effect the objects of said corporation.

First meeting.

Officers.

By-laws.

SEC. 3. *It is hereby further enacted*, That such persons, not exceeding twelve, as said corporation may, from time to time, elect, by ballot, as fire wardens, and having with them some distinguishing badge of their office, fixed upon by said corporation, be, and they are hereby, empowered, in times of fire, to demand and require assistance from any of the inhabitants residing within the limits laid out for said village by the selectmen of the town of Springfield, and others, who may be present, to extinguish and prevent the spreading of such fire, and to remove goods and effects out of any house, stores, or other places, endangered by fire; and a majority of said fire wardens are hereby further empowered to require and demand assistance from any of the inhabitants of said village, or town, to pull down or remove any building, whenever it shall be judged necessary, by a majority of the fire wardens present; and the said fire wardens are hereby empowered to suppress any tumults and

Wardens.

Powers of wardens.

Penalty for refusing to obey wardens.

Proviso.

disorders, and direct the labor of all persons present during such fires; and if any person shall refuse to obey the orders of said fire wardens, in any manner authorized by this act, such offender shall, on conviction thereof, before any justice of the peace for the county of Windsor, forfeit and pay a fine, not exceeding seven dollars, to the treasurer of said corporation. *Provided*, That such offender be prosecuted, by action of debt, brought by any warden, in the name of said treasurer, as aforesaid, within ninety days from the time of committing such offence.

Bounds of corporation.

SEC. 4. *It is hereby further enacted*, That the bounds of said corporation, for the purpose of pulling down or removing buildings, shall extend to the limits of said village, as laid out by the selectmen of the town of Springfield, and no further.

Fines.

SEC. 5. *It is hereby further enacted*, That the said corporation shall have power to impose such fines for the neglect of duties, as shall be, by the by-laws of said corporation, enjoined upon the members thereof; and shall, also, have power to regulate the keeping of all combustible materials and substances, within the limits of said village.

Wardens exempt from military duty.

Proviso.

Future legislature may alter or amend.

SEC. 6. *It is hereby further enacted*, That the fire wardens, elected in pursuance of the several sections of this act, shall be exempt from all military duty, under the laws of this state, in times of peace. *Provided*, That the number of persons, so exempted, shall not, at any time, exceed fifteen to each good sized fire engine, belonging to said company, and kept in good repair. *And provided also*, That nothing in this act shall be so construed as to prevent any future legislature from altering, amending or repealing the same.

[Passed Oct. 27, 1832.]

46.—An act, incorporating the inhabitants of the third school district, in Windsor, for the purposes therein mentioned.

Persons incorporated.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont*, That the freeholders and inhabitants, within the present bounds of the third school district, in Windsor, in the county of Windsor, and their successors, forever, are hereby constituted and appointed a body politic and corporate, in name and in fact, by the name of the *Windsor Village Corporation*; and by that

name shall be capable, in law, of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatever;—may have a common seal, and the same change and alter at pleasure; and shall be capable, in law, of purchasing and holding real estate to the amount of two thousand dollars, and conveying the same, when necessary;—may build reservoirs, for water, and erect a house, or houses, for the safe keeping of an engine, or engines, and other apparatus;—may, also, purchase and hold personal property to the amount of two thousand dollars, besides an engine, or engines, and other apparatus, for extinguishing and preventing the spreading of fire;—may prescribe the manner of keeping ashes, and of fitting up stoves, stove-funnels and chimney-boards; and shall have, enjoy, and may exercise, within the present bounds of said district, all the privileges and powers, incident to corporations, for extinguishing fire, within this state.

Powers and
privileges.

SEC. 2. *It is hereby further enacted,* That the first meeting of said corporation shall be holden at the school house, in said district, on the first Monday of January next, notice whereof, signed by a justice of the peace, shall be published, in one or more of the newspapers printed in said Windsor, at least two weeks successively, previous to said meeting, for the purpose of choosing such officers as may be thought necessary, and establishing a mode of calling future meetings; and said corporation, at said meeting, and at all future meetings, may make, repeal and alter, such by-laws, rules and regulations, not repugnant to the laws of this state, as they may deem proper and necessary, to carry into effect the object of this corporation.

First meeting.

Officers.

By-laws.

SEC. 3. *It is hereby further enacted,* That such persons, not exceeding fifteen, as said corporation may, from time to time, choose, by ballot, as fire wardens, and having with them, at the time, some distinguishing badge of their office, fixed and agreed upon by said corporation, be, and they are, hereby, empowered, in all times of fire, to demand and require assistance of any of the inhabitants of said district, to extinguish and prevent the spreading of such fire, and to remove goods and effects out of any houses, stores, or places endangered by said fire; and the major part of said wardens present, are, hereby, empowered to cause to be pulled down, blown up, or removed, all such houses, or buildings as they may think necessary, for the purpose of preventing the spreading and progress of said fire. And the said fire wardens are hereby further empow-

Wardens.

Powers of war-
dens.

Penalty for refusing to obey orders of wardens.

Proviso.

Exemption from military duty.

Taxes.

Proviso.

Future legislature may alter or repeal.

Proviso.

ered to require and demand assistance from any of the inhabitants of said district to pull down, blow up, or remove, any house, or building, provided it shall be thought necessary by a major part of the fire wardens, then present, to prevent the spreading and progress of said fire; and said wardens are, hereby, empowered to suppress, with force, if necessary, all tumults and disorders, and order and direct the labor of all persons present, during the continuance of said fire; and all persons present are hereby required and commanded to yield prompt obedience to such orders.— And if any person shall refuse or neglect to obey the orders of such fire wardens, or any one of them, in time of fire, within the bounds of said corporation; in any matter, authorized by this act, such offender shall, on conviction thereof, before any justice of the peace, within the county of Windsor, forfeit and pay a fine, not exceeding seven dollars,—one moiety thereof, to the treasurer of the town of Windsor, and the other moiety to the use of said corporation.—*Provided*, said offender be prosecuted within six months from the time of committing such offence.

SEC. 4. *It is hereby further enacted*, That those persons who may be enrolled, and are liable, under this act, to perform the services of engine, or firemen, shall be exempt from military duty.—*Provided*, the number of persons so exempted, shall not, in time of peace, exceed sixteen, to one fire engine.

SEC. 5. *It is hereby further enacted*, That said corporation may tax themselves, for the purpose aforesaid, and levy and collect such taxes.—*Provided*, That no tax shall be laid or collected, without the consent and approbation of the legal voters of said corporation, or a major part of them, in open meeting duly warned and holden; and that no tax, or taxes, shall be assessed, by said corporation, to an amount, exceeding two hundred and fifty dollars, in any one year, without the consent and approbation of two thirds of said legal voters, in open meeting duly warned and holden; but in no case, shall the amount assessed, exceed the sum of five hundred dollars, in any one year.—*Provided, also*, That this act shall not subject to taxation, any real estate, lying without the bounds of said corporation, nor anywise affect the liabilities, or immunities of any person, as an inhabitant of the town of Windsor. *Provided, also*, That the legislature of this state may, hereafter, at any time, have the power to repeal, alter, or amend this act. *Provided, nevertheless*, That this act shall not take

effect without the consent and approbation of two thirds of the legal voters of said corporation.

[Passed Nov. 7, 1832.]

47.—An act, in addition to an act, entitled, “an act, incorporating the Rutland Cotton Manufacturing Company.

It is hereby enacted by the General Assembly of the State of Vermont, That Hiram N. Gookin be, and he hereby is, Hiram N. Gookin constituted a member. constituted one of the company to which this act is in addition—and may call the first meeting of said company, any thing in the act, to which this is in addition, to the contrary notwithstanding. *Provided,* That the legislature of this state shall have power to repeal, alter, or amend the act to which this is in addition, whenever the public good Future legislature may alter or repeal. may require, any thing in said act to the contrary notwithstanding.

[Passed Nov. 8, 1832.]

48.—An act, in addition to an act, entitled, “an act, incorporating certain Turnpike Companies, in the western counties in this state,” passed, Nov. 7, 1805.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That the Winooskie Turnpike Company may set up, at each end of any bridge, belonging to said company, with strings, thirty feet in length, between the supports on which they lie, or any bridge supported by one or more arches, a sign-board, painted with the following caution, in legible letters, ‘*No trotting allowed on this bridge;*’ and any person, after such sign-boards are set up, who shall ride, or drive any horse, or other beast, faster than a walk, on, or over, any such bridge, shall forfeit to said company, for each and every such act, Company may set up notice to prevent trotting on their bridges. one dollar; and, also, all damage that may arise to said company by reason thereof, with full costs, to be recovered by said company, in an action of trespass on the case. Penalty.

SEC. 2. *It is hereby further enacted,* That if any person, or persons, shall, wilfully, deface, remove or destroy any sign-board, so set up, as aforesaid, he, she, or they, Penalty for defacing sign-board.

shall forfeit and pay for each offence ten dollars, to be recovered as aforesaid, in an action of debt, with costs.

SEC. 3. *It is hereby further enacted,* That all actions, Actions, when to be commenced. for the recovery of any penalty incurred under the first section of this act, shall be commenced within thirty days after the right of action shall accrue, and not after.

[Passed Nov. 8, 1832.]

49.—An act, incorporating the Lamoille Academy, in the Village of Johnson.

Persons incorporated. **SECTION 1.** *It is hereby enacted by the General Assembly of the State of Vermont,* That Joseph Doane, Joseph Waterman, Cornelius Lynde, Jr. Simeon Lyman, Daniel Dodge, John H. Burnam, Charles B. Taylor, and their associates and successors, be, and they hereby are, constituted a body politic and corporate, by the name of the *Trustees and Members of the Lamoille Academy*; and by that name shall have succession,—may sue and be sued, Powers. plead and be impleaded, contract and be contracted with, have a common seal, and the same alter at pleasure; and By-laws. may make and establish such by-laws, regulations and rules, as shall, from time to time, appear necessary to the said corporation, not repugnant to the laws of this state, or of the United States; and to such by-laws may annex suitable penalties, not exceeding ten dollars, and may cause the same to be executed.

May hold real estate. **SEC. 2.** *It is hereby further enacted,* That said corporation may hold real estate to the amount of three thousand dollars, and personal estate, as a fund for the support of a preceptor, to the amount of five thousand dollars more.

First meeting. **SEC. 3.** *It is hereby further enacted,* That the first meeting of said corporation shall be holden at the house now occupied for a select school in said village of Johnson, on the first Tuesday of December, in the year of our Lord one thousand eight hundred and thirty-two; and five members of said corporation, resident in said Johnson, when met at said meeting, and at all subsequent meetings duly notified, shall be a quorum to transact any business Quorum. whatsoever.

Proviso *Provided always, and it is hereby further enacted,* That the property of the books, mathematical instruments, and philosophical apparatus, which shall constitute the library,

or may belong to said corporation, shall not, at any time, be divided among the members thereof, but shall be permanently located in said academy, at said village of Johnson.

[Passed Nov. 8, 1832.]

50.—An act, incorporating the Vermont Scientific and Literary Institution at Brandon.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That Joseph D. Farnsworth, Hadly Proctor, Daniel Packer, E. B. Smith, W. Kimball, J. M. Graves, John Conant, J. P. Skinner, A. Sabin, Truman Galusha, S. Griggs, Joseph Smith 2d, N. H. Bottum, A. McKee, E. E. Starkweather, Leland Howard, R. M. Ely, Daniel Mason, E. Ransom, Asa Fletcher, J. Merriam, Amos Clark, and John Clark, be, and they hereby are, with their associates and successors, constituted a body politic and corporate, by the name of the *Vermont Scientific and Literary Institution at Brandon*; and as such shall have perpetual succession, and shall have power to sue and be sued, prosecute and defend in all actions and suits in law and equity;—may have a common seal, and the same alter at pleasure;—may make all necessary by-laws and regulations, not repugnant to the constitution and laws of this state or of the United States, necessary for the regulation of their proceedings;—may make contracts, and may take and hold by gift, grant, purchase, or devise, such real and personal estate, to the amount of thirty thousand dollars, as may be for the benefit and convenience of said school; and the same use, manage, and appropriate for the benefit of said institution; and shall have power to appoint all officers, and to fill all vacancies which may occur by death, resignation, or removal, of any of the officers, or members of said corporation, at any regular meeting thereof, holden for that purpose.

*Persons incor-
porated.*

Powers.

By-laws.

Officers.

SEC. 2. *It is hereby further enacted,* That the said board of trustees shall be organized, and hold their meetings as is, or may be, provided by the regulations of said corporation; and shall have power to employ and dismiss instructors—make by-laws for the regulation of the institution, and, in general, to superintend and regulate all the concerns of the same. They shall also take charge

*Powers and du-
ties of Trus-
tees.*

of, and superintend the buildings, and other property of the institution, and appoint a treasurer and all other officers necessary for that purpose.

[Passed Nov. 7, 1832.]

51.—An act, to incorporate the Young Gentlemen's Literary Society of Cornwall.

Persons incor-
porated.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That Asahel Bingham, Truman Post, Reuben P. Bingham, Oliver J. Eells, Truman Eells, and Samuel Everts, and their associates and successors, in the town of Cornwall, be, and hereby are, constituted a body politic and corporate, for the purpose of promoting useful knowledge, and of enlarging and protecting a permanent library in said literary society, to be known and distinguished by the name of the *Young Gentlemen's Literary Society of Cornwall*; and by that name aforesaid, may have succession, and right to sue and be sued, plead and be impleaded, to contract and be contracted with, and to have a common seal, and the same to alter at pleasure; and shall be invested with full power of making their own laws and regulations, and doing all those acts which the good order and interest of said society may require, for the purpose aforesaid.

Powers.

By-laws.

Real estate.

SEC. 2. *It is hereby further enacted,* That said Young Gentlemen's Literary Society shall have power to receive, possess, and hold, by gift, grant, purchase and devise, any real or personal estate, to the amount of three thousand dollars; and may sell, lease and transfer the same, by their prudential committee, for the use and benefit of the society, whenever two thirds of the resident members in the said town of Cornwall, at any meeting of the society warned for that purpose, shall direct.

Proviso.

Provided, always, and it is hereby further enacted, That the library shall be permanently fixed in the town of Cornwall, and not be divided among the members.

[Passed Oct. 29, 1832.]

52.—An act, to incorporate the Brattleboro' High School Association.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That there be, and hereby is, constituted and established a High School for young masters, ladies and misses, in the east village of the town of Brattleboro', in the county of Windham, in this state; and that John Holbrook, Francis Goodhue, Joseph Fessenden, John L. Dickerman, Gardner C. Hall, Samuel Root, Paul Chase, Henry Smith, Henry Clark, Philip Hall and William R. Hays, and their successors, be trustees of the same, and they and their associates and successors are hereby constituted a body politic and corporate, to be known and distinguished by the name and style of the *Brattleboro' High School Association*; and by that name shall have succession, and may sue and be sued, plead and be impleaded, contract and be contracted with;—may have a common seal, and the same alter at pleasure;—make and establish such by-laws, rules and regulations, as shall, from time to time, appear necessary to said corporation, not repugnant to the laws of this state, or of the United States; and may take and hold, by grant, gift, purchase or devise, or otherwise, real and personal estate, to the amount of thirty thousand dollars, and the same use, improve, manage and appropriate for the benefit of said school.

High School established.

Trustees.

Powers.

By-laws.

Real and personal estate.

SEC. 2. *It is hereby further enacted,* That the officers of said association shall be appointed annually, on the first Tuesday of April, at the hall of the High School, in said Brattleboro', by a majority of the members present, at said annual meeting; and in voting upon this, as upon all other business, which may come before the corporation, each share of the stock of said association shall entitle the owner thereof to one vote.

Officers, when and how appointed.

Provided, That any future legislature may alter, amend, or repeal this act.

Future legislature may repeal, &c.

[Passed Nov. 7, 1832.]

53.—An act, incorporating the Village of Brattleboro'.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That that part of Brattleboro', in the county of Windham, within the following bounds, to wit, beginning at the mouth of West River, thence run-

Bounds of village.

ning westerly, as the river now runs, on the south side thereof, to the north-west corner of Ebenezer Wells' farm; thence southerly on the west side of said Ebenezer Wells' farm, and the west side of the farms of Colonel Joseph Goodhue and Captain Henry Clark, to the north line of Guilford; thence easterly, on the north line of Guilford and Vernon, to Connecticut River; thence northerly, on the western bank of Connecticut River, to the place of beginning, shall, hereafter, be known by the name of the *Village of Brattleboro'*: And the freeholders and inhabitants of said village, qualified, by law, to vote in town-meetings, may, on the first Monday of December next, at one o'clock in the afternoon, meet at the inn of Paul Chase, in said village; which meeting shall be notified, by publishing this act in the Brattleboro' Messenger, printed in said village, once, at least two weeks before the said first Monday of December. And any justice of the peace, in said village, may preside at said meeting; at which meeting shall be chosen a clerk, five freeholders of said village to be bailiffs of said village, a treasurer and collector of taxes. And a meeting of said freeholders and inhabitants shall be holden, annually, thereafter, on the said first Monday of December, for the purpose of electing such officers, as aforesaid, and for the transaction of any business, specified in the warning of such meeting; which warning shall be signed by the clerk, specifying such other business, besides the choice of officers, as the bailiffs, or a majority of them, may direct; and shall be posted up in at least three of the most public places, in said village, at least twelve days before the time for holding such meeting.

First meeting.

Officers.

Annual meeting.

Inhabitants declared a body politic.

Powers.

Taxes.

SEC. 2. *And it is hereby further enacted*, That the freeholders and inhabitants, residing within the said village, be, and they hereby are, ordained, constituted and declared to be, forever hereafter, a body politic and corporate, in name and in fact, by the name of the *Village of Brattleboro'*; and by that name, they and their successors shall, and may have perpetual succession, and be capable, in law, of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, whatever;—may have a common seal, and the same change and alter at pleasure; and shall be capable, in law, of purchasing, holding and conveying estate, both real and personal, for the use of said village; and may tax themselves, and levy and collect such taxes, for the purposes aforesaid, or to

carry into effect any legal vote, or by-law of said corporation. *Provided*, That no tax shall be laid or collected, Proviso. without the consent and approbation of the legal voters of said village, or the major part of them, in open meeting duly warned and holden, agreeably to the provisions of this act. *Provided; also*, That the amount of estate, real Real and personal estate. or personal, holden by said corporation, shall not, at any time, exceed, in value, the sum of five thousand dollars.

SEC. 3. *And it is hereby further enacted*, That said corporation shall have power to make, ordain and establish such prudential by-laws, rules and regulations, as they shall, from time to time, deem meet and proper;—such, in particular, as relate to their streets, side-walks, alleys, public highways and commons, clearing, repairing and improving the same; and such as relate to slaughter-houses, and nuisances, generally;—such as relate to a watch, and lighting the streets of said village;—such as relate to the restraining from running at large, in said village, any geese, sheep, hogs, cows, horses, or cattle, of any kind;—such as relate to the erecting and regulating hay-scales; and such as relate to the refusal of any member of said corporation to serve in any office, to which he may be elected. *Provided*, That no such by-law be contrary to, or inconsistent with, the constitution or laws of this state, or of the United States. And said corporation shall have power to make, ordain and provide, such reasonable fines, and penalties, Fines. and forfeitures, for the breach of any by-laws, by them established, as they may judge reasonable, (such fine, or penalty, not to exceed twenty-five dollars, for any one offence) to be prosecuted and recovered by action of debt, before any courts proper to try the same; in which action, it shall be sufficient to declare, generally, that the defendant, or defendants, is, or are, indebted to said corporation, the amount of the fine, penalty, or forfeiture, for the breach of a certain by-law, naming such by-law, generally; under which declaration the special matter may be given in evidence.

SEC. 4. *And it is hereby further enacted*, That the clerk, bailiffs, treasurer and collector, shall, before they enter upon the duties of their respective offices, be sworn Officers to be sworn. to the faithful discharge of the duties thereof; and the treasurer and collector shall, before they enter upon the duties of their respective offices, respectively, give bonds to the said corporation, in such sum, and with such sureties, as said bailiffs, or a majority of them, shall direct, conditioned Treasurer and collector to give bonds.

for the faithful performance of the duties of their offices, respectively.

Duties of clerk. SEC. 5. *And it is hereby further enacted,* That it shall be the duty of the clerk of said corporation, to keep fair records of all the proceedings of said corporation, and to give copies of the same, when required; and shall receive such fees, as town clerks are entitled, by law, to receive for like services. It shall, also, be his duty to warn meetings of said corporation, both annual and special, agreeably to the directions of the bailiffs, or a majority of them: And the said bailiffs, or a majority of them, are hereby authorized to call a special meeting of said corporation, from time to time, as the interest of said corporation may require, causing the same to be warned, by the clerk, in manner herein before specified, for warning annual meetings. And any such meeting, whether annual or special, may be adjourned, from time to time, as said corporation may judge proper; and any business may be done, or transacted, at such adjourned meeting, although not specified in the original warning of such meeting. *Provided,* notice of such business to be transacted, at such adjourned meeting, shall be notified to the inhabitants of said village by the clerk, under the direction of the bailiffs, in the same manner as is herein before provided, for warning meetings, giving twelve days notice, as aforesaid.

Special meetings.

Proviso.

Duties of bailiffs. SEC. 6. *And it is hereby further enacted,* That it shall be the duty of the said bailiffs to make out and deliver to the collector an assessment, or rate-bill of all taxes, which shall be laid by said corporation; to see that all the by-laws of said corporation are duly executed, and to direct all prosecutions for all breaches of them; and, generally, to take care of all the prudential concerns of said corporation, and to perform all duties which shall be legally enjoined on them, by said corporation. And all power, by this act, vested in said bailiffs, may be exercised by a majority of them. And in case of death, removal, absence or incapacity of the clerk, the bailiffs may warn meetings of said corporation, by signing the warning, and posting it up, in the manner herein before directed.

Inhabitants of village shall be inhabitants of town. SEC. 7. *And it is hereby further enacted,* That the territory, included within said village, shall belong to said Brattleboro'; and the inhabitants thereof shall be inhabitants of said town, entitled to the same privileges, and subject to the same liabilities, as though this act had not been passed. *Provided,* That the legislature of this

state, shall, at all times hereafter, have the power to re-
peal, alter or amend this act.

Future legisla-
ture may re-
peal, &c.

[Passed Oct. 29, 1832.]

54.—An act, to revive and amend an act, entitled, “an act, incorporating the borough of Middlebury,” passed Nov. 5th, 1816.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That the act incorporating the borough of Middlebury, passed November fifth, one thousand eight hundred and sixteen, be, and the same is, hereby revived, and declared to be in force. *Provided,* That hereafter, the name of said corporation shall be known by the name of the *Village of Middlebury*, in lieu of the borough of Middlebury, and instead of five bailiffs, provided by said act to be chosen, annually, there shall be elected seven trustees of said village, who shall be chosen in the same manner, and who shall have the same powers as said bailiffs have by the said act.

Former act re-
vived.

Proviso.

Trustees.

SEC. 2. *It is hereby further enacted,* That the said corporation shall not become extinct by reason of any neglect of said corporation to choose the officers thereof, but the officers of said corporation shall continue in office until others shall be chosen.

Corporat'n not
to become ex-
tinct, by reason
of neglecting to
choose officers.

SEC. 3. *It is hereby further enacted,* That the first meeting of said corporation shall be holden on the first Wednesday of January next, in the town-room of said Middlebury, for the purpose of organizing said corporation, and choosing the officers thereof; and the annual meeting of said corporation for the choice of officers shall be, thereafter, forever holden on the first Wednesday of January. *Provided, however,* That said corporation, failing to elect officers on said first Wednesday of January, may choose them at any special meeting of said corporation, duly notified, agreeably to said act.

First meeting.

Proviso.

[Passed Nov. 3, 1832.]

ROADS.

55.—An act, allowing to the town of Athens a further time to open and make a road.

Further time
allowed to
complete road.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That the town of Athens, in the county of Windham, be allowed the term of one year, from the passing of this act, to open and make a certain road in said Athens, laid out and established by the Road Commissioners, in said county of Windham, in the month of November, in the year of our Lord one thousand eight hundred and thirty-one, leading from the north line of said Athens through the easterly part of said Athens to the north line of Brookline, in said county.

No indictment,
&c. to be prosecuted for neglect to make road.

SEC. 2. *It is hereby further enacted,* That no action, suit, indictment, or information, shall be had, prosecuted or maintained against said town of Athens, in consequence of any neglect on the part of said town of Athens to open or make said road, for the term of one year from the passing of this act, any law or usage to the contrary notwithstanding.

[Passed Nov. 7, 1832.]

56.—An act, to discontinue a part of a road in Troy.

Certain part of
road discontinued.

It is hereby enacted by the General Assembly of the State of Vermont, That that part of the road which lies between the four corners on lot number seventeen, and the four corners on lot number twenty-five, in the township of Troy, in the county of Orleans, be, and the same is, hereby discontinued.

[Passed Nov. 8, 1832.]

57.—An act, in addition to an act, authorizing the Green-Mountain Turnpike Company to re-survey and alter their road.

It is hereby enacted by the General Assembly of the State of Vermont, That the time, limited by an act, entitled, "an act, authorizing the Green-Mountain Turnpike Com-^{Former act ex-}pany to re-survey and alter their road," passed November third, one thousand eight hundred and thirty-one, for the committee to re-survey that part of the Green-Mountain Turnpike road which lies in the county of Windsor, be, and hereby is, extended for the term of one year from the passing of this act.

[Passed Oct. 29, 1832.]

P

MISCELLANEOUS.

58.—An act, appointing a collector in the town of Plymouth.

It is hereby enacted by the General Assembly of the State of Vermont, That Nathan T. Lakin, of Plymouth, be, and hereby is, appointed a collector for the purpose of collecting the sums due and unpaid on the several rate-bills, committed to John Lakin, late first constable and collector of the town of Plymouth, in the county of Windsor, deceased, with the same powers, and subject to the same regulations and responsibilities, in collecting and accounting for all moneys now due and unpaid in the several tax-bills, aforesaid, as are, by law, established for the collection of taxes, for which this act is, and shall be, his sufficient warrant. And the several treasurers, to whom the several taxes belong, are hereby directed to credit the said Nathan T. Lakin all moneys which shall be collected and paid over by virtue of this act, on each of said rate-bills, respectively.

Nathan T. Lakin appointed collector.

Powers and liabilities of collector.

[Passed Nov. 6, 1832.]

59.—An act, appointing a collector in the town of West-Fairlee.

It is hereby enacted by the General Assembly of the State of Vermont, That Calvin Morse, of West-Fairlee, be, and hereby is, appointed a collector for the purpose of collecting the sums due, and unpaid, on the several rate-bills committed to Elisha Lamphear, late first constable and collector of the town of West-Fairlee, in the county of Orange, deceased, with the same powers, and subject to the same regulations and responsibilities, in collecting and accounting for all moneys now due and unpaid, in the several tax-bills, aforesaid, as are, by law, established for the collection of taxes, for which this act is, and shall be, his sufficient warrant. And the several treasurers, to which the several taxes be-

Calvin Morse appointed collector.

Powers and liabilities of collector.

long, are hereby directed to credit the said Calvin Morse all moneys which shall be collected and paid over by virtue of this act, on each of said rate-bills, respectively.

[Passed Nov. 2, 1832.]

60.—An act, relating to the conveyance of certain land.

It is hereby enacted by the General Assembly of the State of Vermont, That George T. Hodges; the agent for settling the concerns of the Vermont State Bank, be, and he hereby is, directed to execute, in behalf of this state, a quit-claim deed of all the land in Mount-Holly, in the county of Rutland, now owned by this state, and formerly owned by Stephen Clark, to Nathan T. Sprague; of said Mount-Holly, agreeably to a contract made by John Jackson, late agent of the state, with the said Sprague; and said deed shall convey to the said Sprague all the title that this state has to said land.

Agent of State
Bank to deed
land to Nathan
T. Sprague.

[Passed Nov. 2, 1832.]

61....An act, to provide for removing obstructions in Nulhegan River.

Whereas, The navigation of Nulhegan River, for unmanufactured timber, is greatly impeded, and almost entirely interrupted by rocks, shoals, angles, logs and other obstructions, and the expenditure of large sums of money is required to remove said obstructions,—to induce which improvements,—

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That Jeremiah Jordon, and his assigns, for the purposes of widening, deepening, and straightening said river, and removing the obstructions therein, shall have power to enter upon the bed of said river, and dig, cleanse, and remove all obstructions, from the channel, bars, and banks thereof, and excavate and cut canals across angles thereof, in any part thereof, for the term of ten years.

Jeremiah Jor-
don empower-
ed to remove
obstructions.

SEC. 2. *It is hereby further enacted,* That whenever

And receive
such toll as
county court
shall assess.

said Jordon, or his assigns, shall have completed said improvements, from the mouth of said river, to the bridge across the same, near the dwelling-house of said Jordon, to the acceptance of the judges of the county court, within and for Essex county, for the time being, he shall be entitled to receive such rate of toll, on each thousand feet of timber, turned into and floated down said river, as said county court shall, at a stated term of said court, thereafter assess, order and direct; which said toll shall be paid by the owner, or owners, of said timber, or person or persons turning in, or floating down the same, within twenty-four hours from and after said timber shall have arrived at the mouth of said river.

When entitled
to receive toll.

SEC. 3. *It is hereby further enacted,* That whenever said Jordon, or his assigns, shall have removed said obstructions, and made said improvements, in said river, from said bridge up said river to the mouth of Mr. Connell's brook, to the acceptance of said judges, he shall be entitled to receive such toll on all timber, turned into said river above said bridge and floated down said river to the mouth thereof, as said court shall, at a stated term of said court, thereafter assess, order and direct, of the owner or owners of said timber, or person, or persons, so turning in, or floating down said timber, within twenty-four hours from the time such timber shall have arrived at the mouth of said river.

Damage to be
paid to persons
injured.

Damages, how
assessed.

SEC. 4. *It is hereby further enacted,* That all and every injury, or damage, which may be done by said Jordon, or his assigns, to the lands or property of any person, or persons, in carrying the object of this act into effect, shall be paid by said Jordon or his assigns; and any person, or persons, whose property may sustain such injury, may prefer his petition to the said county court, setting forth the injury alleged to be sustained, and praying for the redress provided by this act, (a copy of which petition shall be served on said Jordon or his assigns, at least twelve days before the term of said court, to which said petition is preferred) and said court may, in their discretion, appoint a committee of three disinterested freeholders of said county, to view said premises and assess the damages thereof, and the amount, so assessed by said committee, when returned to, and accepted by said court, shall be paid by said Jordon or his assigns, together with the costs to be taxed by said court, in their discretion, and in default thereof, execution may issue in favor of said petitioner; or petitioners, against said Jordon, or his assigns.

SEC. 5. *It is hereby further enacted,* That said Jordon, or his assigns, may, by action on this statute, before any court of competent jurisdiction, recover any toll, or tolls, secured to him by the provisions of this act, against any person, or persons, liable to pay the same, with costs of prosecution.

Actions for
tolls, how
brought.

SEC. 6. *It is hereby further enacted,* That before said county court shall assess the toll or tolls, contemplated by this act, information shall be given by said Jordon, or his assigns, of his or their intention to make application to said court to assess said tolls, by causing the notice, in the following form, signed by said Jordon, or his assigns, to be inserted in some newspaper printed in some county adjoining said county of Essex, three weeks successively, the last publication of which to be at least three weeks before the term of said court, at which said assessment is to be made,—
“All persons concerned, are hereby notified, that application will be made to the county court, for the county of
“Essex, at the next term thereof, to assess the toll or tolls,
“under an act of the legislature of this state, passed at their
“session in 1832.”

Application to
county court to
assess tolls,
how made.

SEC. 7. *It is hereby further enacted,* That this act shall continue in force for the term of ten years, and no longer.

Act to continue
in force ten
years.

Provided nevertheless, and it is hereby further enacted, That nothing herein contained shall be so construed as to prevent any future legislature from altering, amending, or repealing this act.

Future legisla-
ture may repeal
this act, &c.

[Passed Nov. 8, 1832.]

62.—An act, to alter the name of Royal Wells, to the name of
Royal W. Adams.

It is hereby enacted by the General Assembly of the State of Vermont, That Royal Wells, of Brookline, in said state, shall, hereafter, be called and known by the name of Royal W. Adams.

Name altered.

[Passed Oct. 27, 1832.]

63.—An act, altering the name of Lorrin Lucas.

It is hereby enacted by the General Assembly of the State of Vermont, That Lorrin Lucas, of Burlington, in the

Name of Lorrin
Lucas altered.

county of Chittenden, and state of Vermont, shall and may hereafter, be known and called by the name of Lorrin Stow.

[Passed Nov. 1, 1832.]

64.—An act, to alter the name of Eri Chapin, to the name of Eri Allen.

It is hereby enacted by the General Assembly of the State of Vermont, That Eri Chapin, of Halifax, in the county of Windham, and state of Vermont, an adopted son of Samuel Allen of said Halifax, shall, hereafter, be called, and known in law, by the name of Eri Allen.

[Passed Oct. 29, 1832.]

State of Vermont.

SECRETARY OF STATE'S OFFICE, }
Montpelier, Nov. 17, 1832. }

I hereby certify that the foregoing sixty-four chapters are true copies of the original acts, passed by the Legislature of this State, on file in this office.

TIMOTHY MERRILL,
Secretary of State.

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PUBLIC AND PRIVATE ACTS.

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